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U. S. DEPARTMENT OF LABOR
BUREAU OF LABOR STATISTICS
G. W. W. HANGER, Acting Commissioner

MEDIATION AND ARBITRATION LAWS OF THE UNITED STATES

JULY 15, 1913

WASHINGTON
GOVERNMENT PRINTING OFFICE
1913

MST
135
M489
913

JUN 28 1919

CONTENTS.

Mediation and arbitration laws of the United States:	Page.
Alabama	5, 6
California	7, 8
Colorado	9
Connecticut	10
Georgia	11
Idaho	12–16
Illinois	17–19
Indiana	20–23
Iowa	24, 25
Kansas	26, 27
Louisiana	28, 29
Maine	30, 31
Maryland	32–34
Massachusetts	35–37
Minnesota	38, 39
Missouri	40, 41
Montana	42–44
Nebraska	45, 46
Nevada	47–49
New Hampshire	50–52
New York	53, 54
Ohio	55–57
Oklahoma	58, 59
Pennsylvania	60
Texas	61–63
Utah	64, 65
Vermont	66, 67
Washington	68
Wisconsin	69
United States	70–74

MEDIATION AND ARBITRATION LAWS OF THE UNITED STATES.

ALABAMA.

ACTS OF 1911.

Arbitration of labor disputes—State board.

(Page 320.)

Appointment of board.

SECTION 1. Within thirty days after this act takes effect the governor shall appoint three persons constituting what shall be known as the State board of mediation and arbitration; the terms of office of each member of said board shall be two years from the time of appointment, or until their successors are appointed, but the governor at any time may remove any member thereof from said office and appoint a successor thereto, should such member become in any manner incompetent to perform the duties of said office. One member of said board shall be known as chairman thereof and shall be so designated by the governor in making said appointment.

Duties of board.

SEC. 2. The duty of said State board of mediation and arbitration shall be as follows: Whenever a strike or lockout occurs in the State of Alabama, or when such strike or lockout is seriously threatened, and the governor deem it advisable, he shall notify the chairman of said board and one of the members thereof shall proceed promptly to the locality of such strike or lockout and endeavor by mediation to effect an amicable adjustment of the controversy. If the governor deem it advisable he shall cause the chairman of said board to call all the members thereof to the locality of such strike or lockout to inquire into the cause thereof and for that purpose said board shall have all the powers conferred upon it in the case of a controversy submitted to it for arbitration. Two members of such board shall constitute a quorum for the transaction of business and may hold meetings at any time or place within the State when for any purpose, pertaining to the duties of said board, the governor deem it advisable. Examinations or investigations may be held and taken by and before any of their number, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

Mediation.

Investigation.

Submission of grievances.

SEC. 3. A grievance or dispute between an employer and his employees may be submitted to said State board of mediation and arbitration for their determination and settlement. Such submission shall be in writing and contain a statement in detail of the grievance or dispute, and the cause thereof, and also an agreement to abide the determination of the board, and, during the investigation, to continue in business or at work without a lockout or strike. Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry thay may subpœna witnesses, compel their attendance, take and hear testimony and call for and examine books, papers and documents of any parties to the controversy. Subpœnas shall be issued by any member of the board and served by any person appointed for that purpose by the member issuing same, and who shall receive the same fees for his services as witnesses. Witnesses shall be allowed the same fee as in the circuit courts of the State. The decisions of the board must be rendered within ten days after the completion of the investigation.

Witnesses.

Decision.

SEC. 4. Within ten days after the completion of every arbitration the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party to the controversy. Every

decision and report shall be filed in the office of the governor, and a copy thereof served upon each party to the controversy.

Reports. SEC. 5. The chairman of said State board shall make a report in writing of each and every arbitration had by them, or investigation made by them, and the results and effects thereof, to the legislature.

Local boards. SEC. 6. A grievance or dispute between an employer and his employees may be submitted to a local board of arbitrators consisting of three persons for hearing and settlement. When the employees concerned are members in good standing of a labor organization, one arbitrator may be appointed by such organization and one by the employer. The two so designated shall appoint a third who shall be chairman of the board. If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose may designate one arbitrator for such board.

Consent of arbitrators. SEC. 7. Before entering upon his duties each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business it shall select one of its members to act as secretary and notice of the time, of place and hearing shall be given to the parties

Powers. to the controversy. The local board may, through its chairman, subpœna witnesses, compel their attendance, and take and hear testimony as is provided herein for the State board of mediation and arbitration.

Compensation. Each member of such local board shall receive as compensation for his services four dollars ($4.00) for each day actually engaged in such hearing.

Decision. SEC. 8. The local board shall within ten days after the close of the hearing render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. One copy of the decision shall be filed in the office of the clerk of the county, or counties, where the controversy arose, one copy forwarded to the chairman of the State board of mediation and arbitration, one copy to the governor, and one copy each to the parties of the controversy.

Compensation and expenses. SEC. 9. The members of the State board shall receive as compensation for their services six dollars ($6.00) each per day while engaged in the duties of the office as herein defined and railway fare expended in the performance of such duties, said compensation to be paid out of the State treasury; all cost of witnesses as herein provided shall be taxed, in cases of arbitration of matters voluntarily submitted to said State board, and the cost of local arbitration, including witnesses fees and fees of local arbitrators as herein provided, against the parties to said arbitrations, equally. All witness costs in making investigations by the State board in controversies not voluntarily submitted shall be paid out of the State treasury.

Approved April 7, 1911.

CALIFORNIA.

SIM'S CODES—1906.

GENERAL LAWS.

ACT No. 219.—*State board of arbitration and conciliation.*

Qualifications of members.

SECTION 1. On or before the first day of May of each year, the governor of the State shall appoint three competent persons to serve as a State board of arbitration and conciliation. One shall represent the employers of labor, one shall represent labor employees, and the third member shall represent neither, and shall be chairman of the board. They shall hold office for one year and until their successors are appointed and qualified. If a vacancy occurs, as soon as possible thereafter the governor shall appoint some one to serve the unexpired terms: *Provided, however*, That when the parties to any controversy or difference, as provided in section two of this act, do not desire to submit their controversy to the State board, they may by agreement each choose one person, and the two shall choose a third, who shall be chairman and umpire, and the three shall constitute a board of arbitration and conciliation for the special controversy submitted to it, and shall for that purpose have the same powers as the State board. The members of the said board or boards, before entering upon the duties of their office, shall be sworn to faithfully discharge the duties thereof. They shall adopt such rules of procedure as they may deem best to carry out the provisions of this act.

Special boards.

Duties of board.

SEC. 2. Whenever any controversy or difference exists between an employer, whether an individual, copartnership, or corporation, which, if not arbitrated, would involve a strike or lockout, and his employees, the board shall, upon application, as hereinafter provided, and as soon as practicable thereafter, visit, if necessary, the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either, or both, to adjust said dispute and make a written decision thereof. This decision shall at once be made public, and shall be recorded upon proper books of record to be kept by the board.

Application.

SEC. 3. Said application shall be signed by said employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work, without any lockout or strike, until the decision of said board, which must, if possible, be made within three weeks of the date of filing the application. Immediately upon receipt of said application, the chairman of said board shall cause public notice to be given of the time and place for hearing. Should the petitioners fail to keep the promise made therein, the board shall proceed no further thereupon without the written consent of the adverse party. And the party violating the contract shall pay the extra cost of the board entailed thereby. The board may then reopen the case and proceed to the final arbitration thereof as provided in section two hereof.

Hearing.

Decision.

SEC. 4. The decision rendered by the board shall be binding upon the parties who join in the application for six months, or until either party has given the other a written notice of his intention not to be further bound by the conditions thereof after the expiration of sixty days or any time agreed upon by the parties, which agreement shall be entered as a part of the decision. Said notice may be given to the employees by posting a notice thereof in three conspicuous places in the shop or factory where they work.

Complaints may be submitted.

SEC. 5. Both employers and employees shall have the right at any time to submit to the board complaints or grievances and ask for an investigation thereof. The board shall decide whether the complaint is entitled to a public investigation, and if they decide in the affirmative, they shall proceed to hear testimony, after giving notice to all parties concerned, and publish the result of their investigations as soon as possible thereafter.

Expense borne by State.

SEC. 6. The arbitrators hereby created shall be paid five dollars per day for each day of actual service, and also their necessary traveling and other expenses incident to the duties of their office shall be paid out of the State treasury; but the expenses and salaries hereby authorized shall not exceed the sum of twenty-five hundred dollars for the two years.

COLORADO.

ACTS OF 1909.

CHAPTER 140.—*Bureau of labor statistics—Mediation and arbitration.*

Labor disputes.

SECTION 9. It shall be the duty of the deputy State labor commissioner upon learning of any employer or employees having differences to visit the location of such differences and to make a careful inquiry into the causes thereof, and to advise the respective parties what, if anything, ought to be done or submitted to, by both, to adjust said disputes; and should said parties still fail to agree to a settlement through said deputy labor commissioner's efforts, then the said commissioner shall endeavor to have said parties consent in writing to submit their differences to a board of arbitration to be chosen from the citizens of the State as follows, to wit:

Board of arbitration.

Said employer shall appoint one, and said employees shall appoint one, and these two shall select a third. In the event of the failure of the two to select a third, the deputy labor commissioner shall select the said third member, the three so selected to constitute the board of arbitration, and the findings of said board of arbitration to be final.

The proceedings of said board of arbitration shall be held before the deputy commissioner of labor who shall act as moderator or chairman, without privilege of voting, and who shall keep a record of the proceedings, and have the authority to administer oaths, issue subpœnas for the attendance of any witnesses said board may deem necessary to summon.

Any notice or process issued by the board of arbitration herein created shall be served by the sheriff, coroner, constable, or special officer to whom the same may be directed or in whose hands the same may be placed for service, and the same fees shall be paid as for the service of like process in courts of record.

Failure of mediation or arbitration.

Upon the failure of the deputy labor commissioner in any case to secure a settlement of differences or the creation of a board of arbitration it shall be his duty to secure a sworn statement from each party to the dispute of the facts upon which their dispute and their reason for not submitting the same to arbitration are based. Any sworn statement made to the deputy labor commissioner under this provision shall be for public use and shall be given publicity in such newspapers as desire it. A failure on the part of either party to a dispute to furnish such sworn statement to the deputy labor commissioner or his deputy, or a failure of any person to obey a subpœna issued by said deputy labor commissioner shall be considered a misdemeanor and shall be punishable by fine of not less than fifty ($50) dollars nor more than one hundred ($100) dollars, or imprisonment of not less than ninety (90) days, or both fine and imprisonment at the discretion of the court.

Approved April 19th, 1909.

CONNECTICUT.

GENERAL STATUTES—1902.

State board of mediation and arbitration.

Appointment. SECTION 4708. During each biennial session of the general assembly the governor shall, with the advice and consent of the senate, appoint a State board of mediation and arbitration, to consist of three persons, each of whom shall hold his office for two years. One of said persons shall be selected from the party which at the last general election cast the greatest number of votes for governor, one from the party which at the last general election cast the next greatest number of votes for governor, and the other from a bona fide labor organization of this State. Said board shall select one of its number to act as clerk or secretary, who shall keep a record of the proceedings of the board, and also keep all documents and testimony submitted to said board; he shall have power to call for and examine the books, papers, and documents of the parties to all cases before said board. Said arbitrators shall be sworn before entering upon the discharge of their duties.

Secretary.

Parties may submit grievances. SEC. 4709. Whenever a grievance or dispute shall arise between an employer and his employees, the parties may submit the same directly to the State board of mediation and arbitration, and notify said board, or its clerk, in writing. Whenever such notification is given, said board shall proceed, with as little delay as possible, to the locality of such grievance or dispute, and inquire into the causes thereof. The parties shall thereupon submit to said board, in writing, succinctly, clearly, and in detail, their grievances and complaints, and the causes thereof, and severally promise and agree to continue in business, or at work, without a strike or lockout until the decision of said board is rendered: *Provided*, It shall be rendered within ten days after the completion of the investigation. The board shall fully investigate and inquire into the matters in controversy, take testimony under oath in relation thereto, and may by its chairman or clerk administer oaths and issue subpœnas for the attendance of witnesses and for the production of books and papers.

Decision. SEC. 4710. After a matter has been fully heard, the board, by a majority of its members, shall within ten days render a decision thereon in writing, signed by a majority of the members of the board, stating such details as will clearly show the nature of the decision and the points disposed of by said board. One copy of the decision shall be filed by the board in the office of the town clerk in the town where the controversy arose, and one copy shall be given to each of the parties to the controversy.

Board may offer services. SEC. 4711. Whenever a strike or lockout shall occur, or is seriously threatened and it shall come to the knowledge of the board, it shall proceed, as soon as practicable, to the locality of such strike or lockout, put itself in communication with the parties to the controversy, and endeavor by mediation to effect a settlement of such strike or lockout; and may inquire into the causes of the controversy, and may subpœna witnesses and send for persons and papers.

Reports. SEC. 4712. Said board shall, on or before the first of December in each year, make a report to the governor, and shall include therein such statements, facts, and explanations as will disclose the actual working of the board, and such suggestions as to legislation as may seem to it conducive to harmony in the relations between employers and employed.

Definition. SEC. 4713. The term employer shall include a firm, company, and corporation.

GEORGIA.

ACTS OF 1911.

Commissioner of commerce and labor—Mediation.

(Page 133.)

SECTION 5. Said commissioner may inquire into the causes of strikes and lockouts, and other disagreements between employers and employees; and, whenever practicable, offer his good offices to the contending parties with a view of bringing about friendly and satisfactory adjustments thereof. Strikes, etc.

IDAHO.

CONSTITUTION.

ARTICLE 13.—*Boards of arbitration.*

Boards of arbitration.

SECTION 7. The legislature may establish boards of arbitration, whose duty it shall be to hear and determine all differences and controversies between laborers and their employers which may be submitted to them in writing by all the parties. Such boards of arbitration shall possess all the powers and authority, in respect to administering oaths, subpœnaing witnesses, and compelling their attendance, preserving order during the sittings of the board, punishing for contempt, and requiring the production of papers and writings, and all other powers and privileges, in their nature applicable, conferred by law on justices of the peace.

CODES—1909.

Labor commission—Arbitration of labor disputes.

Commission created.

SECTION 1426. There shall be and is hereby created, a commission to be composed of two electors of the State, which shall be designated the labor commission, and which shall be charged with the duties and vested with the powers hereinafter enumerated.

Appointment.

SEC. 1427. The members of said commission shall be appointed by the governor, by and with advice and consent of the senate; and shall hold office for two years and until their successors shall have been appointed and qualified. One of said commissioners shall have been,

Qualifications.

for not less than six (6) years of his life, an employee, for wages, in some department of industry, in which it is usual to employ a number of persons, under single direction and control, and shall be, at the time of his appointment, affiliated with the labor interest as distinguished from the capitalist or employing interest.

The other of said commissioners shall have been, for not less than six years, an employer of labor, for wages, in some department of industry in which it is usual to employ a number of persons, under single direction and control, and shall be, at the time of his appointment, affiliated with the employing interest, as distinguished from the labor interest. Neither of said commissioners shall be less than twenty-five years of age, and they shall not be members of the same political party. A political party under the meaning of this section, should be held to mean one or more parties supporting one ticket or member of a fusion; neither of them shall hold any other State, county or city office in Idaho, during the term of office for which they shall be appointed.

Each of said commissioners shall take and subscribe an oath, to be indorsed upon his commission, to the effect that he will punctually, honestly and faithfully discharge his duties as such commissioner.

Seal.

SEC. 1428. Such commission shall have a seal and shall not be required to leave their personal labor or business, except to perform the duties devolving upon them as members of the labor commission.

Secretary.

When necessary, they may appoint a secretary, who shall be a skillful stenographer and typewriter, and who shall receive a salary of four dollars per day and traveling expenses for every day spent in the discharge of duty under the direction of the commission.

Mediation.

SEC. 1429. It shall be the duty of said commissioners, upon receiving authentic information, in any manner, of the existence of any strike, lockout, or other labor complication in this State, affecting the labor or employment of fifty persons or more, to go to the place where such complication exists, put themselves into communication with the parties to the controversy, and offer their services as mediators between them:

Provided, That in all cases where less than fifty persons are on strike or lockout, the commission may, in their discretion, act as though such number of strikers consisted of fifty or more persons. If they shall not succeed in effecting an amicable adjustment of the controversy in that way, they shall endeavor to induce the parties to submit their differences to arbitration, either under the provisions of this act or otherwise as they may elect.

Arbitration.

SEC. 1430. For the purpose of arbitration, under this act, the labor commissioners and the judge of the district court of the district in which the business in relation to which the controversy shall arise, shall have been carried on, shall constitute a board of arbitrators, to which shall be added, if the parties so agree, two other members, one to be named by the employer, and the other by the employees in the arbitration agreement. If the parties to the controversy are a railroad company, and the employees of the company engaged in the running of trains, any terminal within this State, of the road, or any division thereof, may be taken and treated as the location of the business within the terms of this section, for the purpose of giving jurisdiction to the judge of the district court, to act as a member of the board of arbitration.

Agreement to arbitrate.

SEC. 1431. An agreement to enter into arbitration under this act, shall be in writing and shall state the issue to be submitted and decided, and shall have the effect of an agreement, by the parties, to abide by, and perform the award.

Such an agreement may be signed by the employer, as an individual firm, or corporation, as the case may be, and execution of the agreement, in the name of the employer, by any agent or representative of such employer, then and therefore in control or management of the business or department of business, in relation to which the controversy shall have arisen, shall bind the employer. On the part of the employees the agreement may be signed by them, in their own person, not less than two-thirds of those concerned in the controversy, signing, or it may be signed by a committee, by them appointed. Such committee may be created by election at a meeting of the employees concerned in the controversy, at which not less than two-thirds of such employees shall be present, which election, and the fact of the presence of the required number of employees at the meeting, shall be evidenced by the affidavit of the chairman and secretary of such meeting, attached to the arbitration agreement. If the employees, concerned in the controversy, or any of them shall be members of any labor union or workingmen's society, they may be represented in the execution of said arbitration agreement by officers or committeemen of the union or society designated by it, in any manner conformable to its usual methods of transacting business, and others of the employees, represented by committee as hereinbefore provided.

Commissioners pro tem.

SEC. 1432. If upon any occasion calling for the presence and intervention of the labor commissioners, under this act, one of said commissioners shall be present and the other absent, the judge of the district court of the district in which the dispute shall have arisen, as defined in section 1430, shall upon the application of the commissioners present, appoint a commissioner pro tem., in the place of the absent commissioner and such commissioner pro tem. shall exercise all the powers of a commissioner under this act, until the termination of the duties of the commission with respect to the particular controversy, upon the occasion of which the appointment shall have been made, and shall receive the same pay and allowances provided by this act, for the other commissioners. Such commissioner pro tem. shall represent and be affiliated with the same interests as the absent commissioner.

Oath.

SEC. 1433. Before entering upon their duties, the arbitrators shall take and subscribe an oath or affirmation to the effect that they will honestly and impartially perform their duties as arbitrators, and a just and fair award render, to the best of their ability. The sitting of the arbitrators shall be in the court room of the district court or such other place as shall be provided by the county commissioners, of the county in which the hearing is had. The district judge shall be the presiding member of the board. He shall have power to issue subpœnas for witnesses who do not appear voluntarily, directed to the sheriff of the

county, whose duty it shall be to serve the same, without delay. He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations.

Proceedings. The proceedings shall be informal in character, but in general accordance with the practice governing the district courts in the trial of civil cases. All questions of practice, or questions relating to the admission of evidence, shall be decided by the presiding member of the board summarily and without extended argument. The sittings shall be open and public. If five members are sitting as such board, three members of the board, agreeing, shall have power to make an award, otherwise two. The secretary of the commission shall attend the sitting and make a record of the proceedings in shorthand, but shall transcribe so much thereof only as the commission shall direct.

Award. SEC. 1434. The arbitrators shall make their award in writing and deliver the same with the arbitration agreement and their oath as arbitrators, to the clerk of the district court of the judicial district in which the hearing was had, and deliver a copy of the award to the employer and a copy to the first signer of the arbitration agreement on the part of the employees. A copy of all the papers shall be preserved by the commission.

Records. SEC. 1435. The clerk of the district court shall record the papers, delivered to him, as directed in the last preceding section, in the order book of the district court. Any person, who was a party to the arbitration proceedings, may present to the district court of the county in which the hearing was had, or the judge thereof, in vacation, a verified petition referring to the proceedings and the record of them, in the order book, and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed.

Enforcement of award. And thereupon, the court or judge thereof, in vacation, shall grant a rule against the party or parties so charged, to show cause within five days, why said award has not been obeyed, which shall be served by the sheriff as other process. Upon return made to the rule, the judge or court, if in session, shall hear and determine the questions presented and make such order or orders, directed to the parties before him, in personam, as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made, shall be deemed a contempt of the court, and may be punished accordingly. But such punishment shall not extend to imprisonment except in case of willful disobedience. In all proceedings under this section, the award shall be regarded as presumptively binding upon the employer and all employees who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing, before the commencement of the hearing.

Rules. SEC. 1436. The labor commission with the advice and assistance of the attorney general of the State, which he is hereby required to render, may make rules and regulations respecting proceedings in arbitration, under this act, not inconsistent with this act, or the law, including forms, and cause the same to be printed and furnished to all persons applying therefor, and all arbitration proceedings under this act shall thereafter conform to such rules and regulations.

Application for arbitration. SEC. 1437. Any employer and his employees, not less than twenty-five in number, between whom differences exist which have not resulted in any open rupture or strike, may, of their own motion, apply to the labor commission, for arbitration of their differences, and upon the execution of an arbitration agreement, as hereinbefore provided, a board of arbitrators shall be organized in the manner hereinbefore provided, and the arbitration shall take place and the award be rendered, recorded and enforced, in the same manner as in arbitrations under the provisions found in the preceding sections of this act.

Precedence of proceedings. SEC. 1438. In all cases arising under this act, requiring the attendance of a judge of the district court as a member of the arbitration board, such duty shall have precedence over any other business pending in his court, and if necessary for prompt transaction of such other business, it shall be his duty to appoint the district judge of an adjoining district to sit in the district court in his place during the pendency

of such arbitration, and such appointee shall receive the same compensation for his services as is now allowed by law to judges appointed to sit in case of change of judge in civil actions. In case the judge of the district court, whose duty it shall become under this act, to sit upon any board of arbitrators, shall be at the time actually engaged in a trial which can not be interrupted without loss and injury to the parties, and which will, in his opinion, continue for more than three days to come, or is disabled from acting by sickness or otherwise, it shall be the duty of such judge to call in and appoint the district judge of an adjoining district, to sit upon such board of arbitrators, and such appointed judge shall have the same power and perform the same duties as member of the board of arbitration as are by this act vested in and charged upon the district judge regularly sitting, and he shall receive the same compensation, now provided by law, to a judge sitting by appointment, upon a change of judge in civil cases, to be paid in the same way.

Investigations.

SEC. 1439. If the parties to any such labor controversy as is defined in section 1429 of this act, shall have failed at the end of five days, after the first communication of said labor commission to them, to adjust their differences amicably, or to agree to submit the same to arbitration, it shall be the duty of the labor commission to proceed at once to investigate the facts attending the disagreement.

In this investigation, the commission shall be entitled, upon request, to the presence and assistance of the attorney general of the State, in person or by deputy, whose duty it is hereby made to attend, without delay, upon request, by letter or telegram, from the commission. For the purpose of such investigation, the commissioners shall have power to issue subpœnas and each of the commissioners shall have power to administer oaths and affirmations. Such subpœna shall be under seal of the commission, and signed by the secretary of the commission, or a member of it, and shall command the attendance of the person or persons named in it, at a time and place named, which subpœna may be served and returned as other process by any sheriff or constable in the State.

Witnesses.

In case of disobedience of any such subpœna or the refusal of any witness to testify, the district court having jurisdiction or the judge thereof, during vacation, shall, upon the application of the labor commission, grant a rule against the disobeying person or persons or the person refusing to testify, to show cause, forthwith why he or they should not obey such subpœna or testify as required by the commission, or be adjudged guilty of contempt, and in such proceedings, such court, or the judge thereof, in vacation, shall be empowered to compel obedience to such subpœna, as in the case of subpœna issued under the order of and by the authority of the court, or to compel a witness to testify as witnesses in court are compelled to testify. But no person shall be required to attend as a witness, at any place outside the county of his residence. Witnesses called by the labor commission, under this section, shall be paid $2 per diem fees out of the expense fund provided by this act, if such payment is claimed at the time of their examination.

Report.

SEC. 1440. Upon the completion of the investigation authorized by the last preceding section, the labor commission shall forthwith report the facts thereby disclosed, affecting the merits of the controversy, in a brief and condensed form to the governor.

Communications confidential.

SEC. 1441. Any employer shall be entitled, in his response to the inquiries made of him by the commission in the investigation provided for in the last two preceding sections, to submit in writing to the commissioner a statement of any facts material to the inquiry, the publication of which would be likely to be injurious to his business, and the facts so stated shall be taken and held as confidential, and shall not be disclosed in the report or otherwise.

Compensation.

SEC. 1442. Said commissioners shall receive a compensation of six dollars each per diem, for the time actually expended, and actual and necessary traveling and hotel expenses, while absent from home in the performance of duty, and each of the two members of the board of arbitration, chosen by the parties under the provisions of this act, shall receive the same compensation for the days occupied in service, upon

the board. The attorney general or his deputy shall receive his necessary and actual traveling expenses while absent from home in the service of the commission. Such compensation and expenses shall be paid by the State treasurer upon warrants drawn by the auditor upon itemized and verified accounts of time spent and expenses paid. All such accounts, except those of the commissioners, shall be certified as correct by the commissioners, or one of them, and the accounts of the commissioners shall be certified by the secretary of the commission.

Action to be prompt.

It is hereby declared to be the policy of this act, that the arbitrations and investigations provided for in it, shall be conducted with all reasonable promptness and dispatch, and no member of any board of arbitration shall be allowed payment for more than fifteen days' service, in any one arbitration, and no commissioner shall be allowed payment for more than ten days' service in the making of the investigation provided for in section 1439 and sections following.

ILLINOIS.

REVISED STATUTES—1905.

CHAPTER 10.—*State board of arbitration.*

SECTION 19. The governor, by and with the advice and consent of the senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a "State Board of Arbitration," to serve as a State board of arbitration and conciliation; one and only one of whom shall be an employer of labor, and only one of whom shall be an employee, and shall be selected from some labor organization. They shall hold office until March 1, 1897, or until their successors are appointed, but said board shall have no power to act as such until they and each of them are confirmed by the senate. On the first day of March, 1897, the governor, with the advice and consent of the senate, shall appoint three persons as members of said board in the same manner above provided, one to serve for one year, one for two years, and one for three years, or until their respective successors are appointed, and on the first day of March in each year thereafter, the governor shall in the same manner appoint one member of said board to succeed the member whose term expires, and to serve for the term of three years or until his successor is appointed. If a vacancy occure [occurs] at any time, the governor shall in the same manner appoint some one to serve out the unexpired term. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge thereof. The board shall at once organize by the choice of one of their number as chairman, and they shall, as soon as possible after such organization, establish suitable rules of procedure. The board shall have power to select and remove a secretary, who shall be a stenographer, and whose salary shall be $2,500 per annum, payable out of the State treasury, upon the warrant of the auditor of public accounts, from any money not otherwise appropriated; said secretary to receive also his necessary traveling and other expenses, to be paid from the State treasury on bills of particulars to be approved by the chairman of the board and the governor.

Appointment of board.

Organization.

SEC. 20. When any controversy or difference not involving questions which may be the subject of an action at law or bill in equity, exists between an employer, whether an individual, copartnership or corporation, employing not less than twenty-five persons, and his employees in this State, the board shall upon application as herein provided, and as soon as practicable thereafter, visit the locality of the dispute and make a careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything ought to be done or submitted to by both to adjust said dispute, and make a written decision thereof. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the board shall cause a copy thereof to be filed with the clerk of the city, town or village where said business is carried on.

Duties.

Decision.

SEC. 21. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board, if it shall be made within three weeks of the date of filing said application. As soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given of the time and place of the hearing thereon; but public notice need not be given when both parties to the controversy join in the appli-

Application.

cation and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. The board in all cases shall have power to summon as witnesses any operative or expert in the department of business affected, and any person who keeps the records of wages earned in those departments, or any other person, and to examine them under oath, and to require the production of books containing the records of wages paid, and such other books and papers as may be deemed necessary to a full and fair investigation of the matter in controversy. The board shall have power to issue subpœnas, and oaths may be administered by the chairman of the board. If any person, having been served with a subpœna or other process issued by such board, shall willfully fail or refuse to obey the same, or to answer such questions as may be propounded touching the subject matter of the inquiry or investigation, it shall be the duty of the circuit court or the county court of the county in which the hearing is being conducted, or of the judge thereof, if in vacation, upon application by such board, duly attested by the chairman and secretary thereof, to issue an attachment for such witness and compel him to appear before such board and give his testimony, or to produce such books and papers as may be lawfully required by said board; and the said court or the judge thereof shall have power to punish for contempt, as in other cases of refusal to obey the process and order of such court.

Witnesses.

Decisions to be in writing.

SEC. 22. Upon the receipt of such application, and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board and published at the discretion of the same in an annual report to be made to the governor before the first day of March of each year.

Force of decision.

SEC. 23. Said decision shall be binding upon the parties who join in said application for six months or until either party has given the other notice in writing of his or their intention not to be bound by the same at the expiration of sixty days therefrom. Said notice may be given to said employees by posting in three conspicuous places in the shop or factory where they work.

Enforcement of award.

SEC. 23a. In the event of a failure to abide by the decisions of said board in any case, in which both employer and employees shall have joined in the application, any person or persons aggrieved thereby may file with the clerk of the circuit court or the county court of the county in which the offending party resides, or in the case of an employer in the county in which the place of employment is located, a duly authenticated copy of such decision, accompanied by a verified petition reciting the fact that such decision has not been complied with and stating by whom and in what respects it has been disregarded. Thereupon the circuit court or the county court (as the case may be) or the judge thereof, if in vacation, shall grant a rule against the party or parties so charged to show cause within ten days why such decision has not been complied with, which shall be served by the sheriff as other process. Upon return made to the rule, the court, or the judge thereof, if in vacation, shall hear and determine the questions presented, and to secure a compliance with such decision, may punish the offending party or parties for contempt, but such punishment shall in no case extend to imprisonment.

Joint application.

SEC. 23b. Whenever two or more employers engaged in the same general line of business, employing in the aggregate not less than twenty-five persons, and having a common difference with their employees, shall, cooperating together, make application for arbitration, or whenever such application shall be made by the employees of two or more employers engaged in the same general line of business, such employees being not less than twenty-five in number, and having a common difference with their employers, or whenever the application shall be made jointly by the employers and employees in such a case, the board shall have the same powers and proceed in the same manner as if the application had been made by one employer, or by the employees of one employer, or by both.

Strike, etc., threatened.

SEC. 24. Whenever it shall come to the knowledge of the State board that a strike or a lockout is seriously threatened in the State involving an employer and his employees, if he is employing not less than twenty-five persons, it shall be the duty of the State board to put itself in communication as soon as may be with such employer or employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them to submit the matters in dispute to the State board.

Duty of mayors, etc.

SEC. 24a. It shall be the duty of the mayor of every city, and the president of every incorporated town or village, whenever a strike or lockout, involving more than twenty-five employees, shall be threatened or has actually occurred within or near such city, incorporated town or village to immediately communicate the fact to the State board of arbitration, stating the name or names of the employer or employers and of one or more employees, with their post-office addresses, the nature of the controversy or difference existing, the number of employees involved and such other information as may be required by the said board. It shall be the duty of the president or chief executive officer of every labor organization, in case of a strike or lockout, actual or threatened, involving the members of the organization of which he is an officer to immediately communicate the fact of such strike or lockout to the said board, with such information as he may possess, touching the differences or controversy, and the number of employees involved.

Investigation without application.

SEC. 24b. Whenever there shall exist a strike or a lockout, wherein, in the judgment of a majority of said board, the general public shall appear likely to suffer injury or inconvenience with respect to food, fuel or light, or the means of communication or transportation, or in any other respect, and neither party to such strike or lockout shall consent to submit the matter or matters in controversy to the State board of arbitration, in conformity with this act, then the said board, after first having made due effort to effect a settlement thereof by conciliatory means, and such effort having failed, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lockout and make public its findings, with such recommendations to the parties involved as in its judgment will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lockout; and in the prosecution of such inquiry the board shall have power to issue subpœnas and compel the attendance and testimony of witnesses as in other cases.

Compensation.

SEC. 25. The members of the said board shall each receive a salary of $1,500 a year, and necessary traveling expenses, to be paid out of the treasury of the State upon bills of particulars approved by the governor.

Service of process.

SEC. 26. Any notice or process issued by the State board of arbitration shall be served by any sheriff, coroner, or constable to whom the same may be directed or in whose hands the same may be placed for service.

INDIANA.

ANNOTATED STATUTES—1901.

Labor commission—Arbitration of labor disputes.

Commission created.

SECTION 7050a. There shall be, and is hereby created a commission to be composed of two electors of the State, which shall be designated the labor commission, and which shall be charged with the duties and vested with the powers hereinafter enumerated.

Appointment, qualifications, etc.

SEC. 7050b. The members of said commission shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for four years and until their successors shall have been appointed and qualified. One of said commissioners shall have been for not less than ten years of his life an employee for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the labor interest, as distinguished from the capitalist or employing interest. The other of said commissioners shall have been for not less than ten years an employer of labor for wages in some department of industry in which it is usual to employ a number of persons under single direction and control, and shall be at the time of his appointment affiliated with the employing interest as distinguished from the labor interest. Neither of said commissioners shall be less than 40 years of age; they shall not be members of the same political party, and neither of them shall hold any other State, county, or city office in Indiana during the term for which he shall have been appointed. Each of said commissioners shall take and subscribe an oath, to be indorsed upon his commission, to the effect that he will punctually, honestly and faithfully discharge his duties as such commissioner.

Seal, etc.

SEC. 7050c. Said commission shall have a seal and shall be provided with an office at Indianapolis, and may appoint a secretary who shall be a skillful stenographer and typewriter, and shall receive a salary of six hundred dollars per annum and traveling expenses for every day spent in the discharge of duty away from Indianapolis.

Mediation.

SEC. 7050d. It shall be the duty of said commissioners upon receiving creditable [credible] information in any manner of the existence of any strike, lockout, boycott, or other labor complication in this State, to go to the place where such complication exists, put themselves into communication with the parties to the controversy and offer their services as mediators between them. If they shall not succeed in effecting an amicable adjustment of the controversy in that way they shall endeavor to induce the parties to submit their differences to arbitration, either under the provisions of this act or otherwise, as they may elect.

Arbitration.

SEC. 7050e. For the purpose of arbitration under this act, the labor commissioners and the judge of the circuit court of the county in which the business in relation to which the controversy shall arise, shall have been carried on, shall constitute a board of arbitrators, to which may be added, if the parties so agree, two other members, one to be named by the employer and the other by the employees in the arbitration agreement. If the parties to the controversy are a railroad company and employees of the company engaged in the running of trains, any terminal, within this State, of the road, or of any division thereof, may be taken and treated as the location of the business within the terms of this section for the purpose of giving jurisdiction to the judge of the circuit court to act as a member of the board of arbitration.

Agreement.

SEC. 7050f. An agreement to enter into arbitration under this act shall be in writing, and shall state the issue to be submitted and decided, and shall have the effect of an agreement by the parties to

abide by and perform the award. Such agreement may be signed by the employer as an individual, firm or corporation, as the case may be, and execution of the agreement in the name of the employer by any agent or representative of such employer then and therefore in control or management of the business or department of business in relation to which the controversy shall have arisen, shall bind the employer. On the part of the employees, the agreement may be signed by them in their own person, not less than two-thirds of those concerned in the controversy signing, or it may be signed by a committee by them appointed. Such committee may be created by election at a meeting of the employees concerned in the controversy at which not less than two-thirds of all such employees shall be present, which election and the fact of the presence of the required number of employees at the meeting shall be evidenced by the affidavit of the chairman and secretary of such meeting attached to the arbitration agreement, but any employee concerned in any such controversy shall be accorded a hearing before such board. If the employees concerned in the controversy, or any of them, shall be members of any labor union or workingmen's society, they may be represented in the execution of said arbitration agreement by officers or committeemen of the union or society designated by it in any manner conformable to its usual methods of transacting business, and others of the employees represented by committee as hereinbefore provided.

Commissioner pro tempore.

SEC. 7050g. If upon any occasion calling for the presence and intervention of the labor commissioners under the provisions of this act, one of said commissioners shall be present and the other absent, the judge of the circuit court of the county in which the dispute shall have arisen, as defined in section 5 [sec. 7050e], shall, upon the application of the commissioners present, appoint a commissioner pro tem. in the place of the absent commissioner, and such commissioner pro tem. shall exercise all the powers of a commissioner under this act until the termination of the duties of the commission with respect to the particular controversy upon the occasion of which the appointment shall have been made, and shall receive the same pay and allowances provided by this act for the other commissioners. Such commissioner pro tem. shall represent and be affiliated with the same interests as the absent commissioner.

Proceedings.

SEC. 7050h. Before entering upon their duties the arbitrators shall take and subscribe an oath or affirmation to the effect that they will honestly and impartially perform their duties as arbitrators and a just and fair award render to the best of their ability. The sittings of the arbitrators shall be in the court room of the circuit court, or such other place as shall be provided by the county commissioners of the county in which the hearing is had. The circuit judge shall be the presiding member of the board. He shall have power to issue subpœnas for witnesses who do not appear voluntarily, directed to the sheriff of the county, whose duty it shall be to serve the same without delay. He shall have power to administer oaths and affirmations to witnesses, enforce order, and direct and control the examinations. The proceedings shall be informal in character, but in general accordance with the practice governing the circuit courts in the trial of civil causes. All questions of practice, or questions relating to the admission of evidence shall be decided by the presiding member of the board summarily and without extended argument. The sittings shall be open and public or with closed doors, as the board shall direct. If five members are sitting as such board three members of the board agreeing shall have power to make an award, otherwise two. The secretary of the commission shall attend the sittings and make a record of the proceedings in shorthand, but shall transcribe so much thereof only as the commission shall direct.

Award.

SEC. 7050i. The arbitrators shall make their award in writing and deliver the same with the arbitration agreement and their oath as arbitrators to the clerk of the circuit court of the county in which the hearing was had, and deliver a copy of the award to the employer and a copy to the first signer of the arbitration agreement on the part of the employees. A copy of all the papers shall also be preserved in the office of the commission at Indianapolis.

Recording papers.

SEC. 7050j. The clerk of the circuit court shall record the papers delivered to him as directed in the last preceding section, in the order book of the circuit court. Any person who was a party to the arbitration proceedings may present to the circuit court of the county in which the hearing was had, or the judge thereof in vacation, a verified petition referring to the proceedings and the record of them in the order book and showing that said award has not been complied with, stating by whom and in what respect it has been disobeyed. And thereupon the court or judge thereof in vacation, shall grant a rule against the party or parties so charged, to show cause within five days why said award has not been obeyed, which shall be served by the sheriff as other process. Upon return made to the rule the judge or court, if in session, shall hear and determine the questions presented and make such order or orders directed to the parties before him in personam, as shall give just effect to the award. Disobedience by any party to such proceedings of any order so made shall be deemed a contempt of the court and may be punished accordingly. But such punishment shall not extend to imprisonment except in case of willful and contumacious disobedience. In all proceedings under this section the award shall be regarded as presumptively binding upon the employer and all employees who were parties to the controversy submitted to arbitration, which presumption shall be overcome only by proof of dissent from the submission delivered to the arbitrators, or one of them, in writing before the commencement of the hearing.

Enforcement of orders.

Rules, etc.

SEC. 7050k. The labor commission, with the advice and assistance of the attorney general of the State, which he is hereby required to render, shall make rules and regulations respecting proceedings in arbitrations under this act not inconsistent with this act or the law, including forms, and cause the same to be printed and furnished to all persons applying therefor, and all arbitration proceedings under this act shall thereafter conform to such rules and regulations.

Adjustment of differences.

SEC. 7050l. Any employer and his employees, between whom differences exist which have not resulted in any open rupture or strike, may of their own motion apply to the labor commission for arbitration of their differences, and upon the execution of an arbitration agreement as hereinbefore provided a board of arbitrators shall be organized in the manner hereinbefore provided, and the arbitration shall take place and the award be rendered, recorded and enforced in the same manner as in arbitrations under the provisions found in the preceding sections of this act.

Precedence of proceedings.

SEC. 7050m. In all cases arising under this act requiring the attendance of a judge of the circuit court as a member of an arbitration board, such duty shall have precedence over any other business pending in his court, and if necessary for the prompt transaction of such other business it shall be his duty to appoint some other circuit judge, or judge of a superior or the appellate or supreme court to sit in the circuit court in his place during the pendency of such arbitration, and such appointee shall receive the same compensation for his services as is now allowed by law to judges appointed to sit in case of change of judge in civil actions. In case the judge of the circuit court, whose duty it shall become under this act to sit upon any board of arbitration, shall be at the time actually engaged in a trial which can not be interrupted without loss and injury to the parties, and which will in his opinion continue for more than three days to come, or is disabled from acting by sickness or otherwise, it shall be the duty of such judge to call in and appoint some other circuit judge, or some judge of a superior court, or the appellate or supreme court, to sit upon such board of arbitrators, and such appointed judge shall have the same power and perform the same duties as member of the board of arbitration as are by this act vested in and charged upon the circuit judge regularly sitting, and he shall receive the same compensation now provided by law to a judge sitting by appointment upon a change of judge in civil cases, to be paid in the same way.

Special judge.

Investigation without application.

SEC. 7050n. If the parties to any such labor controversy as is defined in section 4 [7050d] of this act shall have failed at the end of five days after the first communication of said labor commission with them to adjust their differences amicably, or to agree to submit the same to

arbitration, it shall be the duty of the labor commission to proceed at once to investigate the facts attending the disagreement. In this investigation the commission shall be entitled, upon request, to the presence and assistance of the attorney general of the State, in person or by deputy, whose duty it is hereby made to attend without delay, upon request by letter or telegram from the commission. For the purpose of such investigation the commission shall have power to issue subpœnas, and each of the commissioners shall have power to administer oaths and affirmations. Such subpœna shall be under the seal of the commission and signed by the secretary of the commission, or a member of it, and shall command the attendance of the person or persons named in it at a time and place named, which subpœna may be served and returned as other process by any sheriff or constable in the State. In case of disobedience of any such subpœna, or the refusal of any witness to testify, the circuit court of the county within which the subpœna was issued, or the judge thereof in vacation, shall, upon the application of the labor commission, grant a rule against the disobeying person or persons, or the person refusing to testify, to show cause forthwith why he or they should not obey such subpœna, or testify as required by the commission, or be adjudged guilty of contempt, and in such proceedings such court, or the judge thereof in vacation, shall be empowered to compel obedience to such subpœna as in the case of subpœna issued under the order and by authority of the court, or to compel a witness to testify as witnesses in court are compelled to testify. But no person shall be required to attend as a witness at any place outside the county of his residence. Witnesses called by the labor commission under this section shall be paid $1 per diem fees out of the expense fund provided by this act, if such payment is claimed at the time of their examination. Witnesses.

SEC. 7050o. Upon the completion of the investigation authorized by the last preceding section, the labor commission shall forthwith report the facts thereby disclosed affecting the merits of the controversy in succinct and condensed form to the governor, who, unless he shall perceive good reason to the contrary, shall at once authorize such report to be given out for publication. And as soon thereafter as practicable, such report shall be printed under the direction of the commission and a copy shall be supplied to anyone requesting the same. Report.

SEC. 7050p. Any employer shall be entitled, in his response to the inquiries made of him by the commission in the investigation provided for in the two last preceding sections, to submit in writing to the commission, a statement of any facts material to the inquiry, the publication of which would be likely to be injurious to his business, and the facts so stated shall be taken and held as confidential, and shall not be disclosed in the report or otherwise. Confidential statements.

SEC. 7050q. Said commissioners shall receive a compensation of eighteen hundred dollars each per annum, and actual and necessary traveling expenses while absent from home in the performance of duty, and each of the two members of a board of arbitration chosen by the parties under the provisions of this act shall receive five dollars per day compensation for the days occupied in service upon the board. The attorney general, or his deputy, shall receive his necessary and actual traveling expenses while absent from home in the service of the commission. Such compensation and expenses shall be paid by the treasurer of State upon warrants drawn by the auditor upon itemized and verified accounts of time spent and expenses paid. All such accounts, except those of the commissioners, shall be certified as correct by the commissioners, or one of them, and the accounts of the commissioners shall be certified by the secretary of the commission. Compensation.

IOWA.

ACTS OF 1913.

CHAPTER 292.—*Labor disputes—Arbitration and conciliation.*

When board may be applied for.

SECTION 1. Whenever any dispute arises between any person, firm, corporation, or association of employers and their employees or association of employees, of this State, except employers or employees having trade relations directly or indirectly based upon interstate trade relations operating through or by State or international boards of conciliation, which has or is likely to cause a strike or lockout, involving ten (10) or more wage earners and the parties thereto are unable to adjust the same, and which does or is likely to interfere with the due and ordinary course of business, or which menaces the public peace, or which jeopardizes the welfare of the community, either or both parties to the dispute, or the mayor of the city, or the chairman of the board of supervisors of the county in which said employment is carried on, or on petition of any twenty-five (25) citizens thereof, over the age of twenty-one (21) years, or the commissioner of the bureau of labor, after investigation, may make written application to the governor for the appointment of a board of arbitration and conciliation, to which board such dispute may be referred under the provisions of this act: *Provided, however*, The manager of the business of any person, firm, corporation or association of such employers, or any organization representing such employees, or if such employees are not members of any organization, then a majority of such employees affected may make the application as provided in this act, but in no case shall more than twenty (20) employees be required to join in such application.

Nominations of members.

SEC. 2. The governor shall at once upon application made to him as herein provided and upon his being satisfied that the dispute comes within the provisions of section one (1) of this act, notify the parties to the dispute of the application for the appointment of a board of arbitration and conciliation and make request upon each party to the dispute that each of them recommend within three (3) days from the date of notice, the names of five (5) persons who have no direct interest in such dispute and are willing and ready to act as members of the board,

Appointment.

and the governor shall appoint from each list submitted one (1) of such persons recommended. Should either of the parties fail or neglect to make any recommendation within the said period, the governor shall, as soon thereafter as possible, appoint a fit person who shall be deemed to be appointed on the recommendation of either of the said parties. The members of the board so appointed shall within five (5) days of their appointment recommend to the governor the name of one (1) person who is ready and willing to act as a third member of the board, and upon failure or neglect upon their part to make such recommendation within the said period, or upon the failure or refusal of the person so recommended to act, the governor shall as soon thereafter as possible appoint some person to act as the third member of the board.

Decisions binding when.

SEC. 3. In all cases when the application is made by both parties to the dispute, they shall set forth in the application whether or not they agree to be bound by the decision of the board of arbitration and conciliation; and if both parties agree to be so bound by such decision, then the same shall be binding and enforcible as set out in section seven (7) of this act.

Organization, etc., of board.

SEC. 4. Each member of the board, shall, before entering upon the duties of his office, be sworn to a faithful and impartial discharge thereof: They shall organize at once by the choice of one (1) of their number as chairman, and one (1) of their number as secretary, and shall have power to employ all necessary clerks and stenographers to properly carry out the duties of their appointment. The members of the board shall receive a compensation of five dollars ($5.00) per diem for the time actually employed, together with their traveling and other necessary expenses, the same to be payable out of the State treasury upon warrants drawn by the State auditor.

Powers.

SEC. 5. For the purpose of this inquiry the board shall have all the powers of summoning before it and enforcing the attendance of witnesses, of administering oaths and of requiring witnesses to give evidence or solemn affirmation and to produce books, papers and other documents or things as the board may deem requisite to the full investigation of the matters into which it is inquiring, as is vested in the district court in civil cases.

Any member of the board may administer an oath, and the board may accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not.

A subpœna or any notice may be delivered or sent to any sheriff, constable or any police officer who shall forthwith serve the same, and make due return thereof, according to directions. Witnesses in attendance and officers serving subpœnas or notices shall receive the same fees as are allowed in the district court, payable from the State treasury, upon the certificate of the board that such fees are due and correct, upon warrants drawn by the auditor of the State. The board shall have the same power and authority to maintain and enforce order at the hearings and obedience to its writs of subpœna as is by law conferred upon the district court for like purposes.

Investigations.

SEC. 6. The board shall as soon as practical, visit the place where the controversy exists, and make careful inquiry into the cause, and the said board may, with the consent of the governor conduct such inquiry beyond the limits of the State. The board shall hear all persons interested who come before it, advise the respective parties what ought to be done or submitted to by either or both of the parties to the dispute to adjust said controversy, and make a written decision thereof, which shall at once be made public and open to public inspection and shall be recorded by the secretary of the board, and a copy of such report shall be filed in the office of the clerk of the city or town in which the controversy arose and shall be open for public inspection.

Status quo for ten days.

SEC. 7. The board of arbitration and conciliation shall within ten (10) days from the date of their appointment unless such time shall be extended by the governor, complete the investigation of any controversy submitted to them, and during the pendency of such period neither party shall engage in any strike or lockout. Any decision made by the board shall date from the date of the appointment of the board and shall be binding upon the parties who join in the application as herein provided for a period of one year.

Decisions binding one year.

Decision to be rendered.

SEC. 8. Within five (5) days after the completion of the investigation, unless the time is extended by the governor for good cause shown the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report to the governor of their findings of fact and of their recommendation to each party to the controversy. Every decision and report shall be filed in the office of the governor, and a copy served upon each party to the controversy, and a copy furnished to the labor commissioner for publication in the report of the bureau of labor and shall be published at a rate of not to exceed thirty-three and one-third (33⅓) cents per ten (10) lines of brevier type or its equivalent, in two (2) newspapers of general circulation in the county in which the business is located upon which the dispute arises. All evidence taken and exhibits and documents offered shall be carefully preserved and at the close of the investigation shall be filed in the office of the governor of the State and shall only be subject to inspection upon his order.

Filing and publication.

Expenses.

SEC. 9. The expenses incurred under the provisions of this act shall be audited by the executive council and shall be paid out of any money in the State treasury not otherwise appropriated upon warrants drawn by the auditor of State.

Approved April 18 A. D. 1913.

KANSAS.

GENERAL STATUTES—1909.

Boards of arbitration.

Arbitration tribunals.

SECTION 372. The district court of each county, or a judge thereof in vacation, shall have the power, and upon the presentation of a petition as hereinafter provided it shall be the duty, of said court or judge to issue a license or authority for the establishment within and for any county within the jurisdiction of said court, of a tribunal for voluntary arbitration and settlements of disputes between employers and employed in the manufacturing, mechanical, mining and other industries.

Petition.

SEC. 373. The said petition shall substantially in the form hereinafter given, and the petition shall be signed by at least five persons employed as workmen, or by two or more separate firms, individuals, or corporations within the county who are employers within the county: *Provided*, That at the time the petition is presented, the judge before whom said petition is presented may, upon motion, require testimony to be taken as to the representative character of said petitioners; and if it appears that the requisite number of said petitioners are not of the character they represent themselves to be, the establishment of the said tribunal may be denied, or he may make such other order in that behalf as shall to him seem fair to both sides.

Proviso.

License.

SEC. 374. If the said petition shall be signed by the requisite number of either employers or workmen, and be in proper form, the judge shall forthwith cause to be issued a license, authorizing the existence of such a tribunal and containing the names of four persons to compose the tribunal, two of whom shall be workmen and two employers, all residents of said county, and fixing the time and place of the first meeting thereof; and an entry of the license so granted shall be made upon the journal of the district court of the county in which the petition originated.

Duration, jurisdiction, etc.

SEC. 375. Said tribunal shall continue in existence for one year from the date of the license creating it, and may take jurisdiction of any dispute between employers and workmen in any mechanical, manufacturing, mining, or other industry, who may submit their disputes in writing to such tribunal for decision. Vacancies occurring in the membership of the tribunal shall be filled by the judge or court that licensed said tribunal. Disputes occurring in one county may be referred to a tribunal already existing in an adjoining county. Said court at the time of the issuance of said license shall appoint an umpire for said tribunal, who shall be sworn to impartially decide all questions that may be submitted to him during his term of office. The umpire shall be called upon to act after disagreement is manifested in the tribunal by failure to agree during three meetings held and full discussion had. His award shall be final and conclusive upon such matters only as are submitted to him in writing and signed by the whole of the members of the tribunal, or by parties submitting the same. And the award of said tribunal shall be final and conclusive upon the questions so submitted to it: *Provided*, That said award may be impeached for fraud, accident, or mistake.

Umpire.

Proviso.

Organization.

SEC. 376. The said tribunal when convened shall be organized by the selection of one of their number as chairman, and one as secretary, who shall be chosen by a majority of the members.

Compensation, etc.

SEC. 377. The members of the tribunal and the umpire shall each receive as compensation for their services, out of the treasury of the county in which said disputes shall arise, two dollars for each day of actual service. The sessions of said tribunal shall be held at the

county seat of the county where the petition for the same was presented, and a suitable room for the use of said tribunal shall be provided by the county commissioners.

Submissions.

SEC. 378. All submissions of matters in dispute shall be made to the chairman of said tribunal, who shall file the same. The chairman of the tribunal shall have power to administer oaths to all witnesses who may be produced, and a majority of said tribunal may provide for the examination and investigation of books, documents and accounts necessary, material and pertaining to the matters in hearing before the tribunal, and belonging to either party to the dispute. The umpire shall have power when necessary to administer oaths and examine witnesses, and examine and investigate books, documents and accounts pertaining to the matters submitted to him for decision.

Powers.

Rules.

SEC. 379. The said tribunal shall have power to make, ordain and enforce rules for the government of the body when in session, to enable the business to be proceeded with in order, and to fix its sessions and adjournments, but such rules shall not conflict with this statute nor with any of the provisions of the constitution and laws of the State: *Provided*, That the chairman of said tribunal may convene said tribunal in extra session at the earliest day possible, in cases of emergency.

Proviso.

Statements to be in writing.

SEC. 380. Before the umpire shall proceed to act, the question or questions in dispute shall be plainly defined in writing and signed by the members of the tribunal or a majority thereof, or by the parties submitting the same; and such writing shall contain the submission of the decision thereof to the umpire by name, and shall provide that his decision thereon after hearing shall be final; and said umpire must make his award within five days from the time the question or questions in dispute are submitted to him. Said award shall be made to the tribunal; and if the award is for a specific sum of money, said award of money or the award of the tribunal, when it shall be for a specific sum, may be made a matter of record by filing a copy thereof in the district court of the county wherein the tribunal is in session. When so entered of record it shall be final and conclusive, and the proper court may on motion of anyone interested, enter judgment thereon; and when the award is for a specific sum of money may issue final and other process to enforce the same: *Provided*, That any such award may be impeached for fraud, accident, or mistake.

Award.

Form of petition.

SEC. 381. The form of the petition praying for a tribunal under this act shall be as follows: "*To the district court of* ——— *County* [or a judge thereof, as the case may be]: The subscribers hereto being the number and having the qualifications required in this proceeding, being desirous of establishing a tribunal of voluntary arbitration for the settlement of disputes in the manufacturing, mechanical, mining and other industries, pray that a license for a tribunal of voluntary arbitration may be issued, to be composed of four persons and an umpire, as provided by law."

LOUISIANA.

REVISED LAWS—1897.

State board of arbitration and conciliation.

(Page 20. Act No. 139, Acts of 1894.)

Appointment of board.

SECTION 1. Within thirty days after the passage of this act, the governor of the State, with the advice and consent of the senate, shall appoint five competent persons to serve as a board of arbitration and conciliation in the manner hereinafter provided. Two of them shall be employers, selected or recommended by some association or board representing employers of labor, two of them shall be employees, selected or recommended by the various labor organizations and not an employer of labor, and the fifth shall be appointed upon the recommendation of the other four: *Provided, however*, That if the four appointed do not agree on the fifth man at the expiration of thirty days, he shall be appointed by the governor: *Provided, also*, That if the employers or employees fail to make their recommendation as herein provided within thirty days, then the governor shall make said appointments in accordance with the spirit and intent of this act; said appointments, if made when the senate is not in session, may be confirmed at the next ensuing session.

Provisos.

Organization.

SEC. 3. Each member of said board shall before entering upon the duties of his office, be sworn to a faithful discharge thereof. They shall organize at once by the choice of one of their number as chairman, and one of their number as secretary. The board shall, as soon as possible after its organization, establish rules of procedure.

Mediation.

SEC. 4. Whenever any controversy or difference not involving questions which may be the subject of a suit or action in any court of the State, exists between an employer, whether an individual, copartnership, or corporation, and his employees, if at the time he employs not less than twenty persons in the same general line of business in any city or parish of this State, the board shall, upon application as hereinafter provided and as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done or submitted to by either or both to adjust said dispute.

Decision to be published.

SEC. 5. Such mediation having failed to bring about an adjustment of the said differences, the board shall immediately make out a written decision thereon. This decision shall at once be made public, shall be recorded upon proper books of record to be kept by the secretary of said board, and a short statement thereof published in the annual report hereinafter provided for, and the said board shall cause a copy thereof to be filed with the clerk of the court of the city or parish where said business is carried on.

Applications to board.

SEC. 6. Said application for arbitration and conciliation to said board can be made by either or both parties to the controversy; and shall be signed in the respective instances by said employer or by a majority of the employees in the department of the business in which the controversy or difference exist[s], or the duly authorized agent of either or both parties. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving authority shall be kept secret by said board.

To contain what.

SEC. 7. Said application shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work in the same manner as at the time of the application without

any lockout or strike until the decision of said board if it shall be made within ten days of the date of filing said application.

Hearing.

SEC. 8. As soon as may be after the receipt of said application, the secretary of said board shall cause public notice to be given of the time and place for the hearing therein, but the public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board may order, and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further therein until said petitioner or petitioners have complied with every order and requirement of the board.

Witnesses, etc.

SEC. 9. The board shall have power to summon as witnesses any operative in the department of business affected and any person who keeps the record of wages earned in these departments, and examine them under oath and to require the production of books and papers containing the record of wages earned or paid. Summons may be signed and oaths administered by any member of the board. The board shall have the right to compel the attendance of witnesses or the production of papers.

Notification by mayor or judge.

SEC. 10. Whenever it is made to appear to the mayor of a city or the judge of any district court in any parish, other than the parish of Orleans, that a strike or lockout is seriously threatened or actually occurs, the mayor of such city, or the judge of the district court of such parish, shall at once notify the State board of the fact. Whenever it shall come to the knowledge of the State board either by the notice of the mayor of a city or the judge of the district court of the parish, as provided in the preceding part of this section or otherwise, that a lockout or strike is seriously threatened, or has actually occurred, in any city or parish of this State, involving an employer and his present or past employees, if at the time he is employing, or up to the occurrence of a strike or lockout was employing not less than twenty persons in the same general line of business in any city or parish in the State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer and employees.

Duty of board.

SEC. 11. It shall be the duty of the State board in the above-described cases to endeavor, by mediation or conciliation to effect an amicable settlement between them, and to endeavor to persuade them, provided a strike or lockout has not actually occurred or has [is] not then continuing to submit the matters in dispute to the State board of arbitration and conciliation; and the State board shall, whether the same be mutually submitted to them or not, investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and shall make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 9 of this act.

Reports.

SEC. 12. Said State board shall make a biennial report to the governor and legislature, and shall include therein such statements, facts, and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to the relations of and disputes between employers and employees.

Compensation.

SEC. 13. The members of the State board of arbitration and conciliation hereby created shall each be paid five dollars a day for each day of actual service, and their necessary traveling and other expenses. The chairman of the board shall, quarterly certify the amount due each member, and on presentation of his certificate the auditor of the State shall draw his warrant on the treasury of the State for the amount.

This statute authorizes investigation on proper application without the consent of all parties. Boards are governed by the broad rules of law and equity, and not by technical rules of law. Objections upon grounds of irregularity must be made before the board, both parties being represented, before application to the courts to correct errors. Apprehension that the conclusion and decision of the board will be erroneous is not ground for an injunction. 17 So. Rep. 418.

MAINE.

ACTS OF 1909.

CHAPTER 229.—*State board of arbitration and conciliation.*

Board created.

SECTION 1. A State board of arbitration and conciliation is hereby created, the duties of which shall be to endeavor to settle disputes, strikes and lockouts between employers and employees.

Governor to appoint.

SEC. 2. Within thirty days after this act shall become a law, the governor, with the advice and consent of the executive council, shall appoint three competent persons as members of such board, one of whom shall be an employer of labor or selected from some association representing employers of labor, one shall be an employee or an employee selected from some bona fide trade or labor union and not an employer of labor, and the third shall be appointed on the recommendation of the other two: *Provided*, That if the two appointed do not agree on the third man at the expiration of thirty days from their appointment, he shall be selected and appointed by the governor. One shall be designated to serve one year, one for two years and one for three years or until their successors are appointed and qualified; and thereafter appointments shall be made for three years, and if at any time a vacancy occurs it shall be filled for the unexpired term.

Compensation, etc.

SEC. 3 (as amended by chapter 143, Acts of 1913). The members of the board shall receive a compensation of five dollars per diem for the time actually employed and shall receive traveling and all other necessary expenses. Each member before entering upon the performance of his duties shall be sworn to the faithful performance thereof. The board shall from time to time make such rules of procedure as it deems necessary and shall annually, on or before the first day of December, make a report to the governor and council, which shall be incorporated in and printed with the biennial report of the department of labor and industry.

Meetings.

The board shall hold a meeting on the third Wednesday of September in each year and shall organize by choosing a chairman and secretary, both of whom shall be members of the board: *Provided*, The first meeting shall be held as soon as convenient after all the members have been appointed.

Information to be furnished.

SEC. 4. If it appears to the mayor of a city or the selectmen of a town that a strike is seriously threatened or actually occurs, he or they shall at once notify the State board, and such notification may also be given by the employer or employees actually concerned in the strike or lockout. If, when such strike is threatened or actually occurs, it appears that as many as ten employees are directly concerned therein, the State board shall, as soon as may be, communicate with such em-

Mediation.

ployer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade such employer and employees to submit the matter in controversy to a local board of conciliation and

Arbitration.

arbitration or to the State board. If the matter be submitted, the board to which it is submitted shall investigate such controversy and ascertain which party is mainly responsible or blameworthy for the existence of the same, and the board may make and publish a report finding such cause and assigning such responsibility or blame. The State board shall, upon request of the governor, investigate and report upon any controversy if in his opinion it threatens to affect the public welfare.

Investigations.

SEC. 5. In any controversy where not less than ten employees are directly concerned the board shall, upon application as hereinafter provided, and as soon as practicable visit the place where the controversy exists and make careful inquiry into the cause, and the board may, with the consent of the governor, conduct such inquiry beyond the limits of the State. The board shall hear all persons interested who

come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof, which shall at once be made public, shall be open to public inspection, and shall be recorded by the secretary of the board; said decision shall for six months be binding on the parties who join in the application or until the expiration of sixty days after either party has given notice to the other in writing of his intention not to be bound thereby, such notice may be given to the employees by posting it in three conspicuous places in the shop, factory, yard, or other place where they work. Decision.

SEC. 6. Said application may be signed by the employer or by a majority of the employees in the department of the business in which the controversy exists or by their duly authorized agent or by both parties, and, if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized to do so. The application shall contain a statement of the matter in controversy and a promise to continue in business or at work without any strike or lockout until the decision of the board if made within three weeks after the date of filing the application. The secretary of the board shall forthwith after such filing cause public notice to be given of the time and place of the hearing on the application unless both parties join in the application and present therewith the written request that no public notice shall be given. If such request is made, notice shall be given to the parties in such a manner as the board shall order, and the board may give public notice notwithstanding such request. Applications.

SEC. 7. The board may summon as witnesses any operative or any person who keeps the record of wages earned in the department of business in which the controversy exists and may require the production of books which contain the record of wages paid. Summonses may be signed and oaths administered by any member of the board. Witnesses summoned by the board shall be allowed the same fees as are paid to witnesses in the supreme judicial court, these fees together with all necessary expenses of the board shall be paid by the State treasurer from the fund provided by this act on warrants drawn by the governor and council. Witnesses.

SEC. 8. The parties to any controversy described in section five may submit such controversy to a local board of arbitration and conciliation which may be either mutually agreed upon or may be composed of three persons, one of whom shall be designated by the employer, one by the employees or their duly authorized agent; the third, who shall be chairman, by the other two; such board shall have all the powers exercised by the State board, and its decision shall have the same effect as those of the State board. The decision of said board shall be rendered within ten days after the close of any hearing held by it and shall at once be filed by the clerk of the municipality where the controversy arose, and a copy thereof shall be filed with the secretary of the State board by the clerk of the said municipality. Each of said arbitrators shall be entitled to receive three dollars for each day of actual service to be paid by the State treasurer on a warrant drawn by the governor and council from the funds provided by this act. Local boards.

Approved April 2, 1909.

MARYLAND.

PUBLIC GENERAL LAWS—CODE OF 1903.

ARTICLE 7.—*Arbitration of labor disputes.*

Board of public works may investigate controversies.

SECTION 1. Whenever any controversy shall arise between any corporation incorporated by this State in which this State may be interested as a stockholder or creditor, and any persons in the employment or service of such corporation, which, in the opinion of the board of public works, shall tend to impair the usefulness or prosperity of such corporation, the said board of public works shall have power to demand and receive a statement of the grounds of said controversy from the parties to the same; and if, in their judgment, there shall be occasion so to do, they shall have the right to propose to the parties to said controversy, or to any of them, that the same shall be settled by arbitration; and if the opposing parties to said controversy shall consent and agree to said arbitration, it shall be the duty of the said board of public works to provide in due form for the submission of the said controversy to arbitration, in such manner that the same may be finally settled and determined; but if the said corporation, or the said person in its employment or service, so engaged in controversy with the said corporation, shall refuse to submit to such arbitration, it shall be the duty of the said board of public works to examine into and ascertain the cause of said controversy, and to report the same to the next general assembly.

Scope of act.

SEC. 2. All subjects of dispute arising between corporations, and any person in their employment or service, and all subjects of dispute between employers and employees in any trade or manufacture, may be settled and adjusted in the manner hereafter mentioned.

Either party may demand arbitration.

SEC. 3. Whenever such subjects of dispute shall arise as aforesaid, it shall be lawful for either party to the same to demand and have an arbitration or reference thereof in manner following, that is to say,

Procedure.

where the party complaining and the party complained of shall come before, or agree by any writing under their hands, to abide by the determination of any judge or justice of the peace, it shall and may be lawful for such judge or justice of the peace to hear and finally determine in a summary manner the matter in dispute between such parties; but if such parties shall not come before, or so agree to abide by the determination of such judge or justice of the peace, but shall agree to submit their said cause of dispute to arbitrators, appointed under the provisions of this article, then it shall be lawful for any such judge or justice of the peace, and such judge or justice of the peace is hereby required, on complaint made before him, and proof that such agreement for arbitration had been entered into, to appoint arbitrators for settling the matters in dispute; and such judge or justice of the peace shall then and there propose not less than two nor more than four persons, one-half of whom shall be employers and the other half employees, acceptable to the parties to the dispute, respectively, who, together with said judge or justice of the peace, shall have full power finally to hear and determine such dispute.

Mutual agreement.

SEC. 4. In all such cases of dispute as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a mode different from the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties.

Third parties may act.

SEC. 5. It shall be lawful in all cases for any employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

SEC. 6. Every determination of dispute by any judge or justice of the peace shall be given as a judgment of the court over which said judge presides, and of the justice of the peace determining the same; and the said judge or justice of the peace shall award execution thereon as upon verdict, confession or nonsuit; and every award made by arbitrators appointed by any judge or justice of the peace under the provisions of this article, shall be returned by said arbitrators to the judge or justice of the peace by whom they were appointed; and said judge or justice of the peace shall enter the same as an amicable action between the parties to the same in the court presided over by said judge or justice of the peace, with the same effect as if said action had been regularly commenced in said court by due process of law, and shall thereupon become a judgment of said court, and execution thereon shall be awarded as upon verdict, confession or nonsuit; and in all proceedings under this article, whether before a judge or justice of the peace, or arbitrators, costs shall [be] taxed as are now allowed by law in similar proceedings, and the same shall be paid equally by the parties to the dispute; such award shall remain four days in court during its sitting, after the return thereof, before any judgment shall be entered thereon; and if it shall appear to the court within that time that the same was obtained by fraud or malpractice in or by surprise, imposition or deception of the arbitrators, or without due notice to the parties or their attorneys, the court may set aside such award and refuse to give judgment thereon.

Determination of dispute.

Award.

ACTS OF 1904.

CHAPTER 671.—*Arbitration of labor disputes.*

SECTION 1. Upon information furnished by an employer of labor whether person, firm, or corporation, or by a committee of employees, or from any other reliable source, that a controversy or dispute has arisen between employer and employees, involving ten or more persons, which controversy may result in a strike or lockout, the chief of the bureau of industrial statistics of Maryland, or such person officially connected with said bureau of industrial statistics as may be deputized in writing by the said chief of said bureau of industrial statistics, shall at once visit the place of controversy or dispute and seek to mediate between the parties, if in his discretion it is necessary so to do.

Duty of chief of bureau.

SEC. 2. If mediation can not be effected as provided for in section 1 of this article, the chief of the bureau of industrial statistics, or such person officially connected with said bureau as may be by him deputized in writing, may, at his discretion, endeavor to secure the consent of the parties to the controversy or dispute to the formation of a board of arbitration, which board shall be composed of one employer and one employee engaged in the same or similar occupation to the one in which the dispute exists, but who are not parties to the controversies or dispute, and to be selected by the respective parties to the controversy; the third arbitrator may be selected by the two first-named arbitrators, and said third arbitrator so selected shall be president of the board of arbitration; and upon the failure of the two first-named arbitrators, as aforesaid, to agree upon the third arbitrator, then the chief of said bureau of industrial statistics shall act as third arbitrator, or he may deputize, in writing, some person officially connected with said bureau to so act, and the said chief, or the person who may be so deputized by him, shall act as president of said board.

Arbitration.

SEC. 3. The president of the said board, provided in section 2 of this article, shall have power to summon witnesses, enforce their attendance and administer oaths and hear and determine the matter in dispute, and within three days after the investigation render a decision thereon, a copy of which shall be furnished each party to the dispute, and shall be final.

Powers of board.

Agreements of parties.

SEC. 4. In all such cases of dispute, as aforesaid, as in all other cases, if the parties mutually agree that the matter in dispute shall be arbitrated and determined in a mode different from the one hereby prescribed, such agreement shall be valid, and the award and determination thereon by either mode of arbitration shall be final and conclusive between the parties. It shall be lawful in all cases for an employer or employee, by writing under his hand, to authorize any person to act for him in submitting to arbitration and attending the same.

Failure to secure agreements.

SEC. 6. Should the chief of the bureau of industrial statistics or the person deputized by him, as aforesaid, fail to mediate or secure the consent of the parties to the controversy or dispute to submit the matter to arbitration, then the said chief of the bureau of industrial statistics or person deputized by him, as aforesaid, shall proceed to thoroughly investigate the cause of the dispute or controversy; he shall have the authority to summons both parties to appear before him and take their statements, in writing or under oath, and having ascertained which party is, in his judgment, mainly responsible and blameworthy for the continuance of said controversy or dispute, shall publish a report in some daily newspaper, assigning such responsibility or blame over his official signature.

Investigation.

SEC. 7. For the purposes of the investigation, as aforesaid, the chief of said bureau of industrial statistics or such person as he may deputize in writing, as aforesaid, shall have power to administer oaths, to issue summons for the attendance of witnesses, to enforce the attendance of witnesses, production of papers and books, to the same extent that power is possessed by courts of record or judges thereof in this State.

Information confidential

SEC. 8. All information of a personal character or pertaining to the private business of any person, firm, or corporation, or which might have a tendency to expose the profits or methods of doing business by any person, firm or corporation, coming to the knowledge of the chief of said bureau or person deputized by him, or to the arbitrators selected under the aforesaid provisions, shall be deemed confidential and so treated, and all documents and testimony taken shall be filed in the office of the bureau of industrial statistics.

MASSACHUSETTS.

ACTS OF 1909.

CHAPTER 514.—*Boards of conciliation and arbitration.*

State board.

SECTION 10. There shall be a State board of conciliation and arbitration consisting of three persons, one of whom shall annually, in June, be appointed by the governor, with the advice and consent of the council, for a term of three years from the first day of July following. One member of said board shall be an employer or shall be selected from an association representing employers of labor, one shall be selected from a labor organization and shall not be an employer of labor, and the third shall be appointed upon the recommendation of the other two, or if the two appointed members do not, at least thirty days prior to the expiration of a term, or within thirty days after the happening of a vacancy, agree upon the third member, he shall then be appointed by the governor. Each member shall, before entering upon the duties of his office, be sworn to the faithful performance thereof, and shall receive a salary at the rate of twenty-five hundred dollars a year and his necessary traveling and other expenses, which shall be paid by the Commonwealth. The board shall choose from its members a chairman, and may appoint and remove a secretary of the board and may allow him a salary of not more than fifteen hundred dollars a year. The board shall from time to time establish such rules of procedure as shall be approved by the governor and council, and shall annually, on or before the first day of February, make a report to the general court.

Notice to board.

SEC. 11. If it appears to the mayor of a city or to the selectmen of a town that a strike or lockout described in this section is seriously threatened or actually occurs, he or they shall at once notify the State board; and such notification may be given by the employer or by the employees concerned in the strike or lockout. If, when the State board has knowledge that a strike or lockout, which involves an employer and his present or former employees, is seriously threatened or has actually occurred, such employer, at that time, is employing, or upon the occurrence of the strike or lockout, was employing, not less than twenty-five persons in the same general line of business in any city or town in the Commonwealth, the State board shall, as soon as may be, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade them, if a strike or lockout has not actually occurred or is not then continuing, to submit the controversy to a local board of conciliation and arbitration or to the State board. Said State board shall investigate the cause of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause and assigning such responsibility or blame. Said board shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects, or threatens seriously to affect, the public welfare. The board shall have the same powers for the foregoing purposes as are given to it by the provisions of the following four sections.

Arbitration.

SEC. 12. If a controversy which does not involve questions which may be the subject of an action at law or suit in equity exists between an employer, whether an individual, a partnership or corporation employing not less than twenty-five persons in the same general line of business, and his employees, the board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists and make careful inquiry into its cause, and may, with the consent of the governor, conduct such inquiry beyond the limits of the Commonwealth. The board shall hear all persons inter-

ested who come before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof which shall at once be made public, shall be open to public inspection and shall be recorded by the secretary of said board. A short statement thereof shall, in the discretion of the board, be published in the annual report, and the board shall cause a copy thereof to be filed with the clerk of the city or town in which said business is carried on. Said decisions shall, for six months, be binding upon the parties who join in said application, or until the expiration of sixty days after either party has given notice in writing to the other party and to the board of his intention not to be bound thereby. Such notice may be given to said employees by posting it in three conspicuous places in the shop or factory where they work.

Decision binding.

Applications.

SEC. 13. Said application shall be signed by the employer or by a majority of his employees in the department of the business in which the controversy exists, or by their duly authorized agent, or by both parties, and if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized so to do; but the names of the employees giving the authority shall be kept secret. The application shall contain a concise statement of the existing controversy and a promise to continue in business or at work without any lockout or strike until the decision of the board, if made within three weeks after the date of filing the application. The secretary of the board shall forthwith, after such filing, cause public notice to be given of the time and place for a hearing on the application, unless both parties join in the application and present therewith a written request that no public notice be given. If such request is made, notice of the hearings shall be given to the parties in such manner as the board may order, and the board may give public notice thereof notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further thereon without the written consent of the adverse party.

Expert assistants.

SEC. 14. In all controversies between an employer and his employees in which application is made under the provisions of the preceding section, each party may, in writing, nominate fit persons to act in the case as expert assistants to the board and the board may appoint one from among the persons so nominated by each party. Said experts shall be skilled in and conversant with the business or trade concerning which the controversy exists, they shall be sworn by a member of the board to the faithful performance of their official duties and a record of their oath shall be made in the case. Said experts shall, if required, attend the sessions of the board, and shall, under direction of the board, obtain and report information concerning the wages paid and the methods and grades of work prevailing in establishments within the Commonwealth similar to that in which the controversy exists, and they may submit to the board at any time before a final decision any facts, advice, arguments or suggestions which they may consider applicable to the case. No decision of said board shall be announced in a case in which said experts have acted without notice to them of a time and place for a final conference on the matters included in the proposed decision. Such experts shall receive from the Commonwealth seven dollars each for every day of actual service and their necessary traveling expenses. The board may appoint such other additional experts as it considers necessary, who shall be qualified in like manner and, under the direction of the board, shall perform like duties and be paid the same fees as the experts who are nominated by the parties.

Witnesses.

Fees.

SEC. 15 (as amended by chapter 444, acts of 1913). In all cases of investigation and inquiries made by the board, and in all proceedings before it, any member thereof may summon witnesses and may administer oaths and take testimony. The fees of such witnesses for attendance and travel shall be the same as in the case of witnesses before the superior court. Each witness shall certify in writing the amount of his travel and attendance, and the amount due to him shall be paid forthwith by the board, for which purpose the board may have money advanced to it from the treasury of the Commonwealth as pro-

vided in section thirty-five of chapter six of the Revised Laws, as amended by section one of chapter three hundred and sixty-nine of the acts of the year nineteen hundred and five [not more than $150 at one time].

Local boards.

SEC. 16. The parties to any controversy described in section three may submit such controversy in writing to a local board of conciliation and arbitration which may either be mutually agreed upon or may be composed of three arbitrators, one of whom may be designated by the employer, one by the employees or their duly authorized agent, and the third, who shall be chairman, by the other two. Such board shall, relative to the matters referred to it, have and exercise all the powers of the State board, and its decisions shall have such binding effect as may be agreed upon by the parties to the controversy in the written submission. Such board shall have exclusive jurisdiction of the controversy submitted to it, but it may ask the advice and assistance of the State board. The decision of such board shall be rendered within ten days after the close of any hearing held by it; and shall forthwith be filed with the clerk of the city or town in which the controversy arose, and a copy thereof shall be forwarded by said clerk to the State board. Each of said arbitrators shall be entitled to receive from the treasury of the city or town in which the controversy submitted to them arose, with the approval in writing of the mayor of such city or of the selectmen of such town, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration.

MINNESOTA.

REVISED LAWS—1905.

Arbitration of labor disputes.

State board.

SECTION 1828. The State board of arbitration shall consist of three members, appointed by the governor by and with the advice and consent of the senate, each for the term of two years and until his successor qualifies; one from among employers of labor, one not an employer of labor and from among persons recommended by a labor union, and the third, who shall be neither an employer of skilled labor nor a laborer, on the recommendation of the other two. If the recommendation be not made within ten days after the qualification of said first two, the governor shall appoint the third member without their recommendation. Vacancies in the board shall be filled by appointment from the class to which the retiring member belonged, and the governor may also remove any member. The board shall elect from its members a president and a secretary, and establish rules of procedure, to be approved by the governor.

Application.

SEC. 1829. Whenever a controversy relating to the conditions of employment or rate of wages shall arise between any employer of ten or more persons in the same general business and such employees, the board, upon application, shall visit the locality, inquire into the dispute, hear and advise all parties interested, and, within ten days after the hearing, file with the clerk of the district court a written decision of the controversy. Such application shall be signed by the employer or by a majority of the employees, and shall contain a statement of the grievances, and be verified by one of the signers. An agent may sign on behalf of employees, but he shall produce his written authority to so sign, and the name of his principals shall not be disclosed by the board. Within three days after receipt of such application, the secretary shall give public notice of the hearing, unless such notice be dispensed with by written agreement of the parties. Notwithstanding such agreement, the board may give public notice of the proceeding at any stage thereof.

Witnesses.

SEC. 1830. The board may summon as a witness any employee who keeps the records of wages in any way involved in the controversy, and require the production of such records; and witnesses shall receive the same fees as paid in the district court. Subpœnas may be issued by any member of the board. In cases where the application is mutual, the decision shall be binding for six months, or until sixty days after notice in writing by either party to the other of an intention not to be bound by such decision. This notice may be given to employees by posting it in three conspicuous places in their place of employment.

Decision binding, when.

Board to intervene.

SEC. 1831. Within three days after the board shall learn that a strike or lockout is threatened or exists between any such employer and his present or former employees, it shall intercede between the parties, and attempt to procure a settlement of the dispute or its submission to a local or the State board of arbitration. The State board may investigate the cause of the controversy, fix the responsibility for its continuance, and publish the facts; and, for the enforcement of the provisions of this section, it shall have the same powers as in cases submitted by application of one of the parties only.

Local boards.

SEC. 1832. Any such controversy may be submitted, in writing, to a local board of arbitration to be selected by agreement of the parties. The oath of each member shall be filed with the clerk of the district court. Any vacancy shall be filled in the manner in which the retiring member was selected. In respect to any matter submitted to it, a local board shall have exclusive jurisdiction and all the powers of the State board, and its decision shall have the force and effect agreed upon in

the submission. Within ten days after the hearing the board shall file its decision with the clerk of the district court, and forward a copy thereof to the State board.

Reports.

SEC. 1833. The State board shall report to each regular session of the legislature. Such report shall be printed, and shall contain an account of the doings of the board, a brief history of each controversy and the decision thereof, and suggestions relative to the relations between employer and employee.

Compensation.

SEC. 1834. Each member of the State board shall receive as compensation five dollars for each day actually employed in the work of the board, and three cents for each mile necessarily traveled, to be paid by the State. The sum of two thousand dollars is hereby annually appropriated for the purposes of this chapter.

MISSOURI.

REVISED STATUTES—1909.

State board of mediation and arbitration.

Appointment of board.

SECTION 7802. * * * , the governor of the State, by and with the advice and consent of the senate, shall appoint three competent persons to serve as a State board of mediation and arbitration; one of whom shall be an employer of labor, or selected from some association representing employers of labor, and one who shall be an employee holding membership in some bona fide trade or labor union; the third shall be some person who is neither an employee nor an employer of labor. One member of said board shall be appointed for one year, one for two years, and one for three years, and all appointments thereafter shall be for three years or until their respective successors are appointed in the manner herein provided. If a vacancy occurs in said board by death or otherwise, at any time, the governor shall appoint some competent person to fill the unexpired term.

Secretary.

SEC. 7803. The board shall appoint a secretary, who shall hold office during the pleasure of said board, and whose duty it shall be to keep a full and faithful record of the proceedings of the board, and shall also have possession of all books and documents, and shall perform such other duties as the board may prescribe. He shall, under the direction of the board, issue subpœnas and administer oaths in all cases before the board and shall call for and examine books, papers and documents of any parties to the controversy.

Compensation.

SEC. 7804. The compensation of the members of the board of mediation and arbitration and the clerk thereof shall be as follows: Each shall receive five dollars per day and three cents per mile, both ways, between their homes and the place of meeting, by the nearest comfortable routes of travel, and such other necessary traveling expenses as may be incurred in the discharge of their duties, to be paid out of the State treasury upon a warrant signed by the president of said board and approved by the governor: *Provided*, That neither said board nor the clerk thereof shall receive any compensation except for time actually engaged in the discharge of their duties as set forth in this act and in going to and from the place of meeting.

Organization.

SEC. 7805. Each member of said board shall, before entering upon the duties of his office, be sworn to support the constitution and faithfully demean himself in office. They shall organize at once by the choice of one of their number as chairman and the board shall, as soon as possible after its organization, establish suitable rules of procedure. Said board may hold meetings at any time or place in the State, whenever the same shall become necessary, and two members of the board shall constitute a quorum for the transaction of business.

Threatened strikes.

SEC. 7806. Whenever it shall come to the knowledge of the board that a strike or a lockout is about to occur, or is seriously threatened, involving ten or more persons, in any part of the State, it shall be the duty of said board to proceed as soon as possible to the locality of such dispute, strike or lockout and place itself in communication with the parties to the controversy, and endeavor by mediation to effect a settlement. Should all efforts at conciliation fail, it shall be the duty of the board to inquire into the causes of said grievance or dispute, and to this end, it is hereby authorized to subpœna and examine witnesses, and send for books and papers. Subpœnas may be signed and oaths administered by any member of the board. Said board is further authorized to subpœna as witnesses anyone connected with the department of business affected, or other persons whom they may suspect of having knowledge of the matters in controversy or dispute, and anyone who keeps the records of the wages earned in such depart-

Investigations.

ment and examine them under oath touching such matters and require the production of books and papers containing the record of wages earned or paid. All process issued by said board may be delivered or sent to any sheriff, constable or police office[r], who shall forthwith serve or post the same as may be required, and make due returns thereof, according to directions, and for such service he shall receive the fees allowed by law in similar cases, payable from the treasury of the county or city wherein the controversy to be arbitrated exists, upon a warrant signed by the president of the board of mediation and arbitration. Witnesses shall receive the same compensation as witnesses in courts of record, which shall be paid in the same manner as sheriffs, constables and police officers above mentioned. And the board shall have power and authority to maintain and enforce order at its hearings and obedience to its process.

Penalty.

SEC. 7807. Any person who shall willfully neglect or refuse to obey the process of subpœna issued by said board to appear and testify as therein required, shall be deemed guilty of a misdemeanor, and shall be liable to arraignment and trial in any court having competent jurisdiction, and on conviction thereof shall be punished for such offense by a fine of not less than twenty nor more than five hundred dollars, or by imprisonment not exceeding thirty days, or both, at the discretion of the court before which such conviction shall be had.

Controversies to be submitted.

SEC. 7808. In all cases when any grievance or dispute shall arise between any employer and his employees, said dispute involving ten or more employees, it shall be the duty of the parties to said controversy to submit the same to said board for investigation. Within ten days after the completion of said examination or investigation, authorized by this article, the board or a majority thereof, shall render a decision stating such details as will clearly show the nature of such controversy, and points in dispute disposed of by them and make a written report of their findings and recommendations, and shall furnish the governor and each party to the controversy a true and complete copy of the same, and shall have a copy thereof published in some local newspaper.

Decision.

Decision binding, when.

SEC. 7809. In all cases where the application for arbitration is mutual, or both parties agree to submit to the decision of the board, said decision shall be final and binding upon the parties concerned in said controversy and dispute. In all cases where either party to a dispute refuses to agree to arbitration the decision of the board shall be final and binding upon the parties thereto, unless exceptions be filed with the clerk of said board, within five days after said decision is rendered and announced.

Penalty.

SEC. 7810. Any employer, employer's agent, employee or authorized committee of employees, who shall violate the conditions of the decision of said board, as provided for in section seventy-eight hundred and nine of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be punished by a fine of not less than fifty nor more than one hundred dollars, or by imprisonment in jail not exceeding six months, or by both such fine and imprisonment.

Reports.

SEC. 7811. Said board shall make biennial reports to the governor of the State, and shall include therein such statements, facts, and explanations as will disclose the actual workings of the board, and such suggestions as to legislation as may seem to the members of the board conducive to a speedy and satisfactory adjustment of disputes between employers and employees.

MONTANA.

REVISED CODES—1909.

State board of arbitration and conciliation.

Appointment of board.

SECTION 1670. There is a State board of arbitration and conciliation consisting of three members, whose term of office is two years and until their successors are appointed and qualified. The board must be appointed by the governor, with the advice and consent of the senate. If a vacancy occurs at any time the governor shall appoint some one to serve out the unexpired term, and he may in like manner remove any member of said board.

Qualifications.

SEC. 1671. One of the board must be an employer, or selected from some association representing employers of labor; and one of them must be a laborer, or selected from some labor organization, and not an employer of labor, and the other must be a disinterested citizen.

Organization.

SEC. 1672. The members of the board must, before entering upon the duties of their office, take the oath required by the constitution. They shall at once organize by the choice of one of their number as chairman. Said board may appoint and remove a clerk of the board, who shall receive such compensation as may be allowed by the board, but not exceeding five dollars per day for the time employed. The board shall, as soon as possible after its organization, establish such rules or modes of procedure as are necessary, subject to the approval of the governor.

Mediation.

SEC. 1673. Whenever any controversy or dispute, not involving questions which may be the subject of a civil action, exist between an employer (if he employs twenty or more in the same general line of business in the State) and his employees, the board must, on application as is hereinafter provided, visit the locality of the dispute and make inquiry into the cause thereof, hear all persons interested therein who may come before them, advise the respective parties what, if anything, ought to be done, by either or both, to adjust said dispute, and the board must make a written decision thereon. The decision must at once be made public, and must be recorded in a book kept by the clerk of the board, and a statement thereof published in the annual report and the board must cause a copy thereof to be filed with the clerk of the county where the dispute arose.

Decision to be published.

Applications to be signed.

SEC. 1674. The application to the board of arbitration and conciliation must be signed by the employer, or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent or by both parties, and shall contain a concise statement of the grievances complained of, and a promise to continue on in business or at work without any lockout or strike until the decision of said board if it shall be made within four weeks of the date of filing said application. When an application is signed by an agent claiming to represent a majority of such employees, the board shall satisfy itself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by said board; as soon as may be after the receipt of said application the secretary of said board shall cause public notice to be given for the time and place for the hearing thereon; but public notice need not be given when both parties to the controversy join in the application and present therewith a written request that no public notice be given; when such request is made notice shall be given to the parties interested in such manner as the board may order; and the board may, at any stage of the proceedings, cause public notice to be given, notwithstanding such request. When notice has been given as aforesaid, each of the parties to the controversy, the employer on one side, and the employees interested on the other side, may in writing nominate, and the board may appoint,

Expert assistants.

one person to act in the case as expert assistant to the board. The two persons so appointed shall be skilled in and conversant with the business or trade concerning which the dispute has arisen. It shall be their duty, under the direction of the board, to obtain and report to the board, information concerning the wages paid, the hours of labor and the methods and grades of work prevailing in manufacturing establishments, or other industries or occupations, within the State of a character similar to that in which the matters in dispute have arisen. Said expert assistants shall be sworn to the faithful discharge of their duty; such oath to be administered by any member of the board, and a record thereof shall be preserved with the record of the proceedings in the case. They shall be entitled to receive from the treasury of the State such compensation as shall be allowed and certified by the board not exceeding ——— dollars per day, together with all necessary traveling expenses. Nothing in this act shall be construed to prevent the board from appointing such other additional expert assistant or assistants as it may deem necessary, who shall be paid in like manner. Should the petitioner or petitioners fail to perform the promise made in said application, the board shall proceed no further thereupon without the written consent of the adverse party. The board shall have power to summon as witness any operative or employee in the department of business affected and any person who keeps the records of wages earned in those departments, and to examine them under oath, and to require the production of books containing the record of wages paid. Summons may be signed and oaths administered by any member of the board.

Decision.

SEC. 1675. Upon the receipt of said application and after such notice, the board shall proceed as before provided, and render a written decision, which shall be open to public inspection, shall be recorded upon the records of the board, and published at the discretion of the same in an annual report to be made to the governor on or before the first day of December in each year.

Effect of decision.

SEC. 1676. Any decision made by the board is binding upon the parties who join in the application for six months, or until either party has given the other notice in writing of his intention not to be bound by the same at the expiration of sixty days therefrom. The notice must be given to employees by posting the same in three conspicuous places in the shop, office, factory, store, mill, or mine, where the employees work.

Local boards.

SEC. 1677. The parties to any controversy or difference as described in section 1673 of this code may submit the matters in dispute, in writing, to a local board of arbitration and conciliation; such board may be either mutually agreed upon, or the employer may designate one of the arbitrators, the employees, or their duly authorized agent, another, and the two arbitrators so designated may choose a third, who shall be chairman of the board. Such board shall, in respect to the matters referred to it, have and exercise all the powers which the State board might have and exercise, and its decisions shall [have] whatever binding effect may be agreed upon by the parties to the controversy in the written submission. The jurisdiction of such board shall be exclusive in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the State board. The decision of such board shall be rendered within 10 days of the close of any hearing held by it; such decision shall at once be filed with the clerk of the county in which the controversy or difference arose, and a copy thereof shall be forwarded to the State board and entered on its records. Each of such arbitrators shall be entitled to receive from the treasury of the county in which the controversy or difference that is the subject of the arbitration exists, if such payment shall be approved by the commissioners of said county, the sum of three dollars for each day of actual service, not exceeding ten days for any one arbitration. Whenever it is made to appear to the mayor of any city or two commissioners of any county, that a strike or lockout such as described hereafter in this section is seriously threatened or actually occurs, the mayor of such city, or said commissioners of such county, shall at once notify the State

Powers.

Compensation.

Duty of mayor to give notice of strike.

board of the fact. Whenever it shall come to the knowledge of the State board, either by notice from the mayor of a city, or two or more commissioners of a county, as provided in this section, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or county of this State, involving an employer and his present or past employees, if at the time he is employing or up to the occurrence of the strike or lockout was employing, not less than twenty persons in the same general line of business in any city, town or county in this State, it shall be the duty of the State board to put itself in communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement between them, or to endeavor to persuade them, providing that a strike or lockout has not actually occurred or is not then continuing, to submit the matters in dispute to a local board of arbitration and conciliation as above provided, or to the State board; and said State board may, if it deem it advisable, investigate the cause or causes of such controversy, and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause or causes, and assigning such responsibility or blame. The board shall have the same powers for the foregoing purposes as are given it by section 1673 of this Code. Witnesses summoned by the State board shall be allowed the sum of fifty cents for each attendance, and the further sum of twenty-five cents for each hour of attendance in excess of two hours, and shall be allowed five cents a mile for travel each way from their respective places of employment or business to the place where the board is in session. Each witness shall certify in writing the amount of his travel and attendance and the amount due him shall be * * * certified to the State board of examiners for auditing, and the same shall be paid as other expenses of the State from any moneys in the State treasury.

Witnesses.

Compensation.

SEC. 1678. The arbitrators hereby created must be paid five dollars for each day of actual service and their necessary traveling expenses and necessary books or record, to be paid out of the treasury of the State, as by law provided.

NEBRASKA.

ACTS OF 1913.

CHAPTER 207.—*State board of mediation.*

Board to be appointed.

SECTION 1. Within thirty days after this act takes effect the governor shall appoint three persons, one of whom shall be a member of a labor organization affiliated with the State federation of labor, one of whom shall be an employer of labor and one shall be chosen from the general State citizenship and who is not a member of either the laboring or employing citizenship, who together with the chief deputy commissioner of labor shall constitute what shall be known as the State board of mediation and investigation and the chief deputy commissioner of labor shall be the secretary of said board and shall keep all record thereof; the terms of office of each member of said board shall be two years from the time of appointment, or until their successors are appointed, but the governor at any time may remove any member thereof from said office and appoint a successor thereto, should such member become in any manner incompetent to perform the duties of said office. One member of said board shall be known as chairman thereof and shall be so designated by the governor in making said appointment.

Duty of board.

SEC. 2. The duty of said State board of mediation and investigation shall be as follows: Whenever a strike or lockout occurs in the State of Nebraska, or when such strike or lockout is seriously threatened, and the governor deem it advisable, he shall notify the chairman and secretary of said board and one of the members shall proceed promptly to the locality of such strike or lockout and endeavor by mediation to effect an amicable adjustment of the controversy. If the governor deem it advisable he shall cause the secretary of said board to call all the members thereof to the locality of such strike or lockout to inquire into the cause thereof and for that purpose said board shall have all the powers conferred upon it in the case of a controversy submitted to it for investigation. Three members of such board shall constitute a quorum for the transaction of business and may hold meetings at any time within the State when for any purpose, pertaining to the duties of said board, the governor deem it advisable. Examinations or investigations may be held and taken by and before any of their number, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

Submission of disputes.

SEC. 3. A grievance or dispute between an employer and his employees may be, by mutual agreement, submitted to said State board of mediation and investigation for their determination and settlement. Such submission shall be in writing and contain a statement in detail of the grievance or dispute, and the cause thereof, and also an agreement to abide the determination of the board, and, during the investigation, to continue in business or at work without a lockout or strike. Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpœna witnesses, compel their attendance, take and hear testimony and call for and examine books, papers and documents of any parties to the controversy. Subpœnas shall be issued by the secretary of the board and served by any person appointed for that purpose by the member issuing same, and who shall receive the same fees for his services as witnesses. Witnesses shall be allowed the same fee as in the district courts of the State. The decisions of the board must be rendered within five days after the completion of the investigation.

Decision to be rendered.

SEC. 4. Within five days after the completion of every investigation the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact of

their recommendations to each party to the controversy. Every decision and report shall be filed in the office of the governor, and a copy thereof served upon each party to the controversy and shall be given to the press for publication as a means of acquainting the public with all details thereof.

Report.

SEC. 5. The secretary of said State board shall make a report in writing of each and every investigation made by them, and the results and effects thereof, to the legislature, said report to be included in the biennial report of the bureau of labor under separate chapter titled Report of State Board of Mediation and Investigation.

Mediation.

SEC. 6. A grievance or dispute between an employer and his employees may be submitted to voluntary mediation by submitting to a local board of mediators consisting of three persons for hearing and settlement. When the employees concerned are members in good standing of a labor organization, one mediator may be selected by such organization and one by the employer. The two so designated shall appoint a third who shall be chairman of the board. If such employees are not members of a labor organization, a majority thereof at a meeting duly called for that purpose may designate one mediator for such board.

Procedure, etc.

SEC. 7. Before entering upon his duties each mediator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such mediator, which consent and oath shall be filed in the clerk's office of the county or counties wherein the controversy arose. The deputy commissioner of labor shall act as secretary to said board. Notice of the time and place and hearing shall be given to the parties to the controversy. The local board may, through its secretary subpœna witnesses, compel their attendance, and take and hear testimony as is provided herein for the State board of mediation and investigation. Each member of such local board shall receive as compensation for his services four dollars ($4.00) for every day actually engaged in such hearing.

Decision of mediators.

SEC. 8. The local board shall within ten days after the close of hearing render a written decision signed by them giving such details as clearly shown [show] the nature of the controversy and the questions decided by them. One copy of the decision shall be filed in the office of the clerk of the county, or counties, wherein the controversy arose, one copy forwarded to the chairman of the State board of mediation and investigation, one copy to the governor, and one copy each to the parties of the controversy.

Compensation.

SEC. 9. The members of the State board shall receive as compensation for their services five dollars ($5.00) each per day while engaged in the duties of the office as herein defined and railway fare and hotel bill necessarily expended in the performance of such duties, together with all necessary printing, stationery, etc., said compensation to be paid out of the State treasury upon warrants executed in due form; all cost of witnesses as herein provided shall be taxed, in mediation of matters voluntarily submitted to said State board, and the cost of local mediation, including witness fees of local mediation as herein provided, against the parties of said mediators, equally. All witness cost in making investigations by the State board in controversies not voluntarily submitted shall be paid out of the State treasury, out of the fund appropriated for the maintenance of said board.

Appropriation.

SEC. 10. That the sum of two thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the State treasury not otherwise appropriated for the purpose of procuring the necessary blanks, books and records and the payments of sums of money necessary to carry this law into successful operation.

Approved, April 21, 1913.

NEVADA.

REVISED LAWS—1912.

Arbitration of labor disputes.

Governor to mediate.

SECTION 1929. Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer and his employees, seriously interrupting or threatening to interrupt the business of the employer, the governor shall, upon the request of either party to the controversy, with all practicable expedition, put himself in communication with the parties to such controversy, and shall use his best efforts, by mediation and conciliation, to amicably settle the same. He may either exercise such powers of conciliation himself, or appoint a commission for such purpose. If such efforts of conciliation shall be unsuccessful, the governor shall at once endeavor to bring about an arbitration of such controversy in accordance with the provisions of this act.

Board of arbitration.

SEC. 1930. Whenever such controversy shall arise between an employer and his employees which can not be settled by mediation and conciliation in the manner provided in the preceding section, such controversy may, with the consent of the parties to the controversy, be submitted to the arbitration of a board of three persons who shall be chosen in the manner following: One shall be named by the employer directly interested; the other by the labor organization to which the employees directly interested belong, or if they belong to more than one, such arbitrator shall be agreed upon and designated by the concurrent action of all such labor organizations. The two thus chosen shall select the third commissioner of arbitration, but in the event of their failure to name such arbitrator within five days after their first meeting, the three arbitrators shall be named by the governor. A majority of said arbitrators shall be competent to make a binding and valid award under the provisions hereof. The submission shall be in writing, shall be signed by the employer and by the labor organization or organizations representing employees, shall specify the time and place of meeting of such board of arbitration, shall state the questions to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows:

Stipulations.

First. That the board of arbitration shall commence their hearings within ten days from the date of the appointment of the third arbitrator, and shall find and file their award within thirty days from the date of the appointment of the third arbitrator; and that pending the arbitration the status existing immediately prior to the dispute shall not be changed: *Provided*, That no employee shall be compelled to render personal service without his consent.

Second. That the award and the papers and proceedings, including the testimony relating thereto certified under the hands of the arbitrators, shall be filed in the clerk's office of the district court for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon both parties, unless set aside for error of law apparent on the record.

Third. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit: *Provided*, That no injunction or other legal process shall be issued which shall compel the performance by any laborer against his will of a contract for personal labor or service.

Fourth. That employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of the employer before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of their intention

so to quit. Nor shall the employer dissatitfied with such award dismiss any employee or employees on account of such dissatisfaction before the expiration of three months from and after the making of such award without giving thirty days' notice in writing of his intention so to discharge.

Fifth. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same employer and the same class of employees shall be had until the expiration of said one year if the award is not set aside as provided.

Award.

SEC. 1931. The award being filed in the clerk's office of the district court, as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said district court or on appeal therefrom. At the expiration of ten days from the decision of the district court upon exception taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the supreme court of the State of Nevada. In such case only such portion of the record shall be transmitted to the supreme court as is necessary to a proper understanding and consideration of the question of law presented by said exceptions and to be decided. The determination of said supreme court upon said questions shall be final, and being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award, but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon award.

Powers of board.

SEC. 1932. For the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation, as may be ordered by the courts; and may invoke the aid of the said courts to compel witnesses to attend and testify, and to produce such books, papers, contracts, agreements and documents as the courts shall determine to be material and competent evidence.

Agreements to be recorded.

SEC. 1933. Every agreement of arbitration under this act shall be acknowledged by the parties before a notary public or clerk of the district court of the State, and when so acknowledged a copy of the same shall be filed with and recorded by the county recorder of the county in which the arbitration is entered into, and a copy shall also be sent to the governor who shall file the same in the office of the secretary of state, who shall cause a notice in writing to be served upon the arbitrators, fixing the time and place for a meeting of said board, which shall be within fifteen days from the execution of said agreement of arbitration: *Provided, however*, That the governor shall decline to call a meeting of the arbitrators under such agreement unless it be shown to his satisfaction that the employees signing the submission represent or include a majority of all the employees in the service of the same employer and of the same grade and class, and that an award pursuant to said submission can justly be regarded as binding upon all such employees.

Status quo to be maintained.

SEC. 1934. During the pendency of arbitration under this act it shall not be lawful for the employer, party to such arbitration, to discharge the employees, parties thereto, except for inefficiency, violation of law, or neglect of duty; nor for the organization representing such employees to order, nor for the employees to unite in, aid or abet, strikes against said employer; nor, during a period of three months after

an award under such an arbitration, for such employer to discharge any such employees, except for the causes aforesaid, without giving thirty days' written notice of an intent so to discharge; nor for any of such employees, during a like period, to quit the service of said employer without just cause, without giving to said employer thirty days' written notice of an intent so to do; nor for such organization representing such employees to order, counsel, or advise otherwise. Any violation of this section shall subject the offending party to liability for damages: *Provided*, That nothing herein contained shall be construed to prevent any employer, party to such arbitration, from reducing the number of its or his employees whenever in its or his judgment business necessities require such a reduction.

Expenses.

SEC. 1935. The agreement of arbitration shall provide for the compensation of arbitrators, and their traveling and other necessary expenses.

NEW HAMPSHIRE.

ACTS OF 1911.

CHAPTER 198.—*Bureau of Labor—Arbitration of labor disputes.*

Bureau of labor created.

SECTION 1. The office of commissioner of labor is hereby abolished and a bureau of labor is established in place thereof in accordance with the provisions of this act. Said bureau of labor shall consist of a labor commissioner who shall be appointed by the governor with the advice and consent of the council, within thirty days after the passage of this act, and such clerks and assistants as shall be necessary for the performance of the duties of the bureau. The labor commissioner shall hold his office for three years from the date of his appointment and until his successor shall be appointed and qualified, and he may be removed at any time by the governor with the advice and consent of the council, for cause, and his successor shall be appointed in the same manner for the same term. Any vacancy existing in the office of labor commissioner shall be filled for the unexpired portion of the term by appointment by the governor with the advice and consent of the council. Said commissioner shall appoint a clerk of the bureau and such other clerical assistants as may be necessary and fix their compensation subject to the approval of the governor and council. The records of said bureau shall be public records open to the inspection of any person interested. The salary of said labor commissioner shall be one thousand six hundred dollars ($1,600) a year, payable quarterly by the State treasurer in full for his services, and his actual expenses incurred in the work of his office shall be paid by the State treasurer on duly detailed vouchers approved by the governor.

Duties and powers.

SEC. 2. Said labor commissioner shall exercise and perform all the powers and duties heretofore exercised and performed by the commissioner of labor, together with such other powers and duties as are authorized by this act. It shall be the duty of the commissioner, without notice, at such times as he shall deem it necessary, to visit the manufacturing, mechanical and mercantile establishments in the State, so far as practicable, for the purpose of ascertaining whether the laws with reference to the employment of help are complied with, and for the further purpose of ascertaining if reasonable sanitary and hygienic conditions are maintained calculated to promote the health and welfare of the working people. If he shall deem it necessary, he shall transmit to the legislature a report upon these matters when he shall deem the occasion of sufficient importance, with such recommendations as he shall think advisable. Whenever he shall deem it necessary, the commissioner shall prosecute any offences against the laws regulating the employment of help.

Board of conciliation and arbitration.

SEC. 3 (added by chapter 186, Acts of 1913). There shall be a State board of conciliation and arbitration consisting of three persons who shall be appointed by the governor, with the advice and consent of the council, not later than July 1st, 1913, for the terms of one, two and three years respectively. Thereafter the governor, with the advice and consent of the council shall annually, in June, appoint a member whose term shall be three years from the first day of July following. One member of said board shall be an employer or shall be selected from an association representing employers of labor, one shall be selected from a labor organization and shall not be an employer of labor, and the third shall be appointed upon the recommendation of the other two, or if the two appointed members do not, at least thirty days prior to the expiration of a term, or within thirty days after the happening of a vacancy, agree upon a third member he shall then be appointed by the governor. Each member shall, before entering upon the duties of his office, be sworn to the faithful performance thereof. The board shall choose from its members a chairman, who shall preside at its meetings.

Mediation.

SEC. 4. Whenever any controversy or difference arises relating to the conditions of employment or rates of wages between any employer, whether individual, copartnership or corporation, and whether resi-

dent or nonresident, and his or their employees such controversy involving the interests of employees not less than ten persons in the same general line of business in this State, the labor commissioner shall, upon application as hereinafter provided, as soon as practicable thereafter, visit the locality of the dispute and make careful inquiry into all the conditions and circumstances of the situation, hear all persons interested therein who may come before him, advise the respective parties what, if anything, ought to be conceded by either or both, and adjust such controversy or difference and, within five days after such inquiry, make a written decision thereon, a copy of which shall be furnished the parties and a copy kept on file in the bureau of labor.

Application.

SEC. 5. Said application shall be signed by said employer or by a majority of his employees in the department of the business in which the controversy or difference exists, or their duly authorized agent, or by both parties, and shall contain a concise statement of the grievance alleged and shall be verified by at least one of the signers. When an application is signed by an agent claiming to represent a majority of such employees, the commissioner shall, before proceeding further, satisfy himself that such agent is duly authorized in writing to represent such employees, but the names of the employees giving such authority shall be kept secret by the commissioner.

Arbitration.

SEC. 6 (as amended by chapter 186, Acts of 1913). Whenever in case of any such controversy or difference the employer and employees shall fail to agree to a settlement through the commissioner as provided in section 4, then said commissioner shall endeavor to have said parties consent in writing to submit their differences to said board of arbitration. The findings of said board of arbitration shall be final. Said findings shall be binding upon the parties concerned in said controversy or dispute for six months, or until sixty days after either party has given the other notice in writing of his or their intention not to be bound by the same. Such notice may be given to said employees by posting the same in three conspicuous places in the place of employment. Pending the decision of the board the business shall continue on the existing basis and the employees remain at work and said board shall render its decision within seven days after the completion of their hearing, and if said hearing is on question of wages said decision to revert back to the date when the employees presented their demand in writing to said employer. The chairman of said board shall keep a record of the proceedings, issue subpœnas and administer oaths to the members of said board and to any witness said board may deem necessary to summon. Any notice or process issued by said board may be served by any sheriff or constable to whom the same may be directed or in whose hands the same may be placed for service. Such arbitrators shall receive eight dollars ($8) per day for each day actually engaged in such arbitration and the necessary traveling expenses, to be paid upon vouchers signed by the labor commissioner with the approval of the governor out of the funds appropriated for the maintenance of the bureau of labor.

Refusal to arbitrate.

SEC. 7 (as amended by chapter 186, Acts of 1913). Upon the failure of the labor commissioner in any case to secure a reference to said board of arbitration, it shall become his duty to request a sworn statement from each party to the dispute of the facts upon which their dispute and their reasons for not submitting the same to arbitration are based. Any sworn statement made to the labor commissioner under this provision shall be for public use and shall be given publicity in such newspapers as desire to use it.

Notice by third parties of disputes.

SEC. 8 (as amended by chapter 186, Acts of 1913). Whenever it shall come to the knowledge of said labor commissioner, either by notice from a mayor of a city, the county commissioners, the president of a board of trade, or other representative body, the president of a central labor council or assembly, or of any five reputable citizens, or otherwise, that a strike or lockout is seriously threatened or has actually occurred in any city or town of the State involving an employer and his or its present or past employees, if at the time such employer is employing, or up to the occurrence of the strike or lockout was employing, not less than ten persons in the same general line of business in any city or town in this State, and said commissioner

shall be satisfied that such information is correct, it shall be the duty of such commissioner, within three days thereafter, to put himself in communication with such employer and employees and endeavor by mediation to effect an amicable settlement between them or to persuade them to submit the matter to said board of arbitration and conciliation and to act as hereinbefore provided in case of disputes and controversies. In case the parties do not agree to so submit the matter, the said commissioner may investigate the cause or causes of such controversy and ascertain which party thereto is mainly responsible for the continuance of the same, and may make and publish a report assigning such responsibility.

Annual report.

SEC. 9. The said commissioner shall annually make a report of the proceedings of the bureau of labor to the governor and council containing the transactions of the office and such other matters and recommendations as he shall deem proper.

Approved April 15, 1911.

NEW YORK.

CONSOLIDATED LAWS.

CHAPTER 31.—*Bureau of mediation and arbitration.*

Bureau authorized.

SECTION 140. There shall continue to be a bureau of mediation and arbitration. The second deputy commissioner of labor shall be the chief mediator of the State and in immediate charge of this bureau, but subject to the supervision and direction of the commissioner of labor.

Mediation.

SEC. 141. Whenever a strike or lockout occurs or is seriously threatened an officer or agent of the bureau of mediation and arbitration shall, if practicable, proceed promptly to the locality thereof and endeavor by mediation to effect an amicable settlement of the controversy. If the commissioner of labor deems it advisable the board of mediation and arbitration may proceed to the locality and inquire into the cause thereof, and for that purpose shall have all the powers conferred upon it in the case of a controversy submitted to it for arbitration.

State board.

SEC. 142. There shall continue to be a State board of mediation and arbitration, which shall consist of the chief mediator and two other officers of the department of labor to be from time to time designated by the commissioner of labor. The chief mediator when present shall be the chairman of the board. Two members of such board shall constitute a quorum for the transaction of business, and may hold meetings at any time or place within the State. Examinations or investigations ordered by the board may be held and taken by and before any of their number, if so directed, but a decision rendered in such a case shall not be deemed conclusive until approved by the board.

Submission of grievances.

SEC. 143. A grievance or dispute between an employer and his employees may be submitted to the board of arbitration and mediation for their determination and settlement. Such submission shall be in writing, and contain a statement in detail of the grievance or dispute and the cause thereof, and also an agreement to abide the determination of the board, and during the investigation to continue in business or at work, without a lockout or strike. Upon such submission, the board shall examine the matter in controversy. For the purpose of such inquiry they may subpœna witnesses, compel their attendance, take and hear testimony, and call for and examine books, papers and documents of any parties to the controversy. Subpœnas shall be issued by the chairman under the seal of the department of labor. Witnesses shall be allowed the same fees as in courts of record. The decision of the board must be rendered within ten days after the completion of the investigation.

Decision.

SEC. 144. Within ten days after the completion of every arbitration, the board or a majority thereof shall render a decision, stating such details as will clearly show the nature of the controversy and the points disposed of by them, and make a written report of their findings of fact and of their recommendations to each party of the controversy. Every decision and report shall be filed in the office of the board and a copy thereof served upon each party to the controversy.

Reports.

SEC. 145. The commissioner of labor shall make an annual report to the legislature of the operations of this bureau.

Boards of arbitrators.

SEC. 146. A grievance or dispute between an employer and his employees may be submitted to a board of arbitrators, consisting of three persons, for hearing and settlement. When the employees concerned are members in good standing of a labor organization, one arbitrator may be appointed by such organization and one by the employer. The two so designated shall appoint a third, who shall be chairman of the board. If such employees are not members of a labor organization, a

majority thereof at a meeting duly called for that purpose, may designate one arbitrator for such board.

Organization of boards.

SEC. 147. Before entering upon his duties, each arbitrator so selected shall sign a consent to act and take and subscribe an oath to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be filed in the clerk's office of the county or counties where the controversy arose. When such board is ready for the transaction of business, it shall select one of its members to act as secretary, and notice of the time and place of hearing shall be given to the parties to the controversy. The board may, through its chairman, subpœna witnesses, compel their attendance and take and hear testimony. The board may make and enforce rules for its government and the transaction of the business before it, and fix its sessions and adjournments.

Decisions.

SEC. 148. The board shall, within ten days after the close of the hearing, render a written decision signed by them giving such details as clearly show the nature of the controversy and the questions decided by them. One copy of the decision shall be filed in the office of the clerk of the county or counties where the controversy arose and one copy shall be transmitted to the bureau of mediation and arbitration.

OHIO

GENERAL CODE—1910.

State board of arbitration and conciliation.

Board created.

SECTION 1059. The governor, with the advice and consent of the senate, shall appoint three competent persons who shall constitute a State board of arbitration and conciliation. One of the persons so appointed shall be an employer or selected from an association representing employers of labor, one an employee or an employee selected from a labor organization and not an employer of labor, and the third person shall be appointed upon the recommendation of the other two appointees. If the two appointees do not agree within thirty days, the third person shall be selected by the governor.

Qualifications.

Term.

SEC. 1060. One member of the State board of arbitration and conciliation shall be appointed each year to serve for a term of three years and until his successor is appointed and qualified.

Organization.

SEC. 1061. The State board of arbitration and conciliation shall organize by the selection of one of its members as chairman, and another member as secretary. As soon as practicable after its organization the board shall establish such rules of procedure as are approved by the governor. Suitable rooms at the capitol shall be provided by the State for the use of the board.

Compensation.

SEC. 1062. Each member of the State board of arbitration and conciliation shall receive five dollars for each day of actual service and his necessary traveling and other expenses. Each quarter the chairman of the board shall certify the amount due each member, and on presentation of such certificate, the auditor of State shall draw a warrant on the treasurer of State for the amount so certified.

Duty to investigate controversies.

SEC. 1063. When a controversy or difference, not involving a question which may be the subject of an action or proceeding in a court of this State, exists between an employer and his employees, upon application as hereinafter provided, and as soon thereafter as practicable, the State board of arbitration and conciliation shall visit the locality of the dispute, make careful inquiry into the cause thereof, hear all persons interested therein who come or are subpœnaed before it, and advise the respective parties what, if anything, ought to be done or submitted to by either or both such parties to adjust the dispute.

Decisions.

SEC. 1064. If the State board of arbitration and conciliation fails to bring about an adjustment of such differences, it shall immediately make a written decision thereon. This decision shall at once be made public, be recorded in a proper book of record to be kept by the secretary of the board, and a short statement thereof published in its annual report. The board shall also cause a copy of the decision to be filed with the clerk of the county or city in which the business is carried on.

Applications.

SEC. 1065. An application to the State board of arbitration and conciliation may be made by one or both of the parties to a controversy. It must be signed by the employer or by a majority of his employees in the department of business in which the controversy or difference exists, or by the duly authorized agent of either or both parties. If an application is signed by an agent claiming to represent a majority of such employees, the board must be satisfied that the agent is duly authorized in writing to represent such employees, but the names of the employees giving the authority shall be kept secret by the board.

Contents of application.

SEC. 1066. The application shall contain a concise statement of the grievances complained of, and a promise to continue in business or at work, in the same manner as employed at the time of the application, until the decision of the board, in case such decision is rendered within ten days from the date of the application. A joint application may

Decision binding, when.

contain a stipulation that the decision of the board under it shall be binding upon the parties to the extent so stipulated, in which case the decision to such extent may be made and enforced in the court of common pleas of the county from which such joint application is presented, in like manner as upon a statutory award.

Hearings.

SEC. 1067. Upon the receipt of the application, the secretary of the State board of arbitration and conciliation shall give public notice of the time and place for the hearing thereof, unless both parties to the controversy join in the application and present therewith a written request that no public notice be given. When such request is made, notice shall be given to the parties interested in such manner as the board orders, and at any time during the proceedings the board may give public notice, notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further therein without the written consent of the adverse party.

Witnesses.

SEC. 1068. The State board of arbitration and conciliation may subpœna as a witness any operative in the department of business affected, a person shown by affidavit, on belief or otherwise, to have knowledge of matters in controversy or dispute, or a person who keeps the records of wages earned in a department, and examine him under oath concerning such matters. The board may require the production of books or papers containing the record of wages earned or paid in any department involved in a controversy or dispute. Subpœnas may be signed and oaths administered by any member of the board.

Service.

SEC. 1069. A subpœna or notice may be delivered or sent to a sheriff, constable or police officer, who shall forthwith serve or post it and make due return thereof. For such service the officer shall receive the fees allowed by law in similar cases, payable upon the certificate of the board, and warrant of the county auditor, from the treasury of the county wherein the controversy to be arbitrated exists. The board shall have such power and authority to maintain and enforce its orders at its hearings, and obedience to its writs of subpœna as are conferred by law on the court of common pleas for like purposes.

Powers of board.

Local boards.

SEC. 1070. The parties to any such controversy or difference may submit in writing the matters in dispute to a local board of arbitration and conciliation. Such board may be mutually agreed upon or the employer may designate one of the arbitrators, the employees or their duly authorized agent another, and the two arbitrators so designated a third, who shall be chairman of the board.

Powers of local boards.

SEC. 1071. In respect to matters referred to it, a local board of arbitration and conciliation shall have such powers as by law are conferred upon the State board, and the decision of such local board shall have such binding effect as is agreed upon by the parties to the controversy in the written submission. The local board shall have exclusive jurisdiction in respect to the matters submitted to it, but it may ask and receive the advice and assistance of the State board. A decision of a local board upon a written submission shall be rendered within ten days after the close of the hearing thereon, and at once filed with the clerk of the county or city in which the controversy or difference arose. A copy of such decision shall be forwarded to the State board.

Compensation.

SEC. 1072. Each member of a local board of arbitration shall receive from the county or city in which the controversy or difference exists, the sum of three dollars for each day of actual service, not exceeding ten days for any arbitration, if such payment is approved in writing by the commissioners of the county or the council or the proper officer of the city.

Notice of strike to be given.

SEC. 1073. If it is made to appear to the mayor of a city or a probate judge of a county, that a strike or lockout is seriously threatened or has actually occurred in his vicinity, he shall immediately notify the State board of arbitration and conciliation of the fact, and state in the notice the name and location of the employer, the nature of the trouble and the number of employees involved, as far as such facts are known to him. If it comes to the knowledge of the State board by such notice or otherwise, that a strike or lockout is seriously threatened, or has actually occurred involving an employer and his present or past

employees, the board as soon as practicable shall enter into communication with such employer and employees.

Conciliation.

SEC. 1074. In either case named in the preceding section, if practicable, the State board shall endeavor to affect an amicable settlement between the employer and his employees, otherwise it shall endeavor to persuade them to submit the matter in dispute to a local board of arbitration or to the State board. If it deems it advisable the State board may investigate the cause of such controversy and ascertain which party thereto is responsible for its existence or continuance. It may make and publish a report with a finding of the cause or causes, and the party or parties responsible therefor. If no settlement or arbitration is obtained because of the opposition of one of the parties to the controversy, an investigation and publication shall be made if requested by the other party. For the purposes named in this section the board shall have the same powers as are conferred upon it when an application is made as provided in the preceding sections.

Investigation.

Witness fees.

SEC. 1075. Each witness summoned by the State board of arbitration and conciliation shall be allowed fifty cents for each attendance and twenty-five cents for every hour of attendance in excess of two hours, together with five cents a mile for traveling each way from his place of employment or business to the place of the meeting of the board. Such witness must make a statement in writing of the number of miles traveled and his attendance. The State board shall certify the amount due him and the auditor of the county in which the controversy or difference exists shall issue his warrant upon the county treasurer for the amount so certified. The expense of a publication authorized by the provisions of this chapter shall be certified and paid as provided for the payment of fees.

Apportionment of costs.

SEC. 1076. If a strike or lockout extends to several counties, the expenses incurred under such provisions not payable from the State treasury shall be apportioned among and paid by the counties in such manner as the State board directs.

Definitions.

SEC. 1077. The term "employer," as used in the provisions of this chapter, shall mean an individual, a copartnership or corporation employing not less than twenty-five persons in the same general line of business in this State. The term "employees" shall mean not less than twenty-five persons directly involved in a controversy or difference. Several employers cooperating with respect to any controversy or difference shall be included in the term "employer," and the term "employee" shall include aggregations of employees of several employers so cooperating.

Annual reports.

SEC. 1078. Each year the State board of arbitration and conciliation shall make a report to the governor containing such statements, facts and explanations as will disclose its methods and work with such suggestions as to legislation conducive to the adjustment of disputes between employers and employees as it deems proper.

OKLAHOMA.

CONSTITUTION.

ARTICLE IX.—*Corporations—Arbitration of labor disputes.*

Arbitration compulsory, for whom.

SECTION 42. Every license issued or charter granted to a mining or public service corporation, foreign or domestic, shall contain a stipulation that such corporation will submit any difference it may have with employees in reference to labor, to arbitration, as shall be provided by law.

Foreign corporations.

SEC. 44. No foreign corporation shall be authorized to carry on in this State any business which a domestic corporation is prohibited from doing, or be relieved from compliance with any of the requirements made of a similar domestic corporation by the constitution or laws of the State. Nothing in this article, however, shall restrict or limit the power of the legislature to impose conditions under which foreign corporations may be licensed to do business in this State.

ACTS OF 1907–1908.

ARTICLE II.—*Boards of arbitration and conciliation.*

(Page 499.)

Board of conciliation and arbitration.

SECTION 1. The governor shall, upon his own motion, appoint two farmers and one employer, and upon recommendation of the commissioner of labor, shall appoint one employer and two employees, as hereinafter specified, by and with the advice and consent of the senate, and the six persons so appointed shall constitute and be styled "a State Board of Arbitration and Conciliation." If a vacancy should occur at any time on said board, the governor or the commissioner shall appoint some suitable person to fill such vacancy as in the first instance. Except the farmers, said appointments shall be made from the employers and employees who shall have been, for at least three years preceding said appointment, engaged as employer or employee in the mining, transportation, mechanical or manufacturing industries of the State. Each member of said board shall, before entering upon the duties of his office, be sworn to a faithful discharge of the same. The board shall at once organize at the call of the commissioner of labor who, by virtue of his office, is chairman, and they shall, as soon as possible, establish rules and procedure for the government thereof. The assistant commissioner of labor shall be secretary of said board.

Action by board.

SEC. 2. Whenever it shall come to the knowledge of the State board of arbitration and conciliation that a strike or lockout is seriously threatened in the State, involving an employer and his employees, if he is employing not less than twenty-five persons, it shall become the duty of said board to put itself in communication, as soon as may be possible, with such employers or employees, and endeavor to persuade them to submit the matter in dispute to the said board.

Mayor, etc., to give notice.

SEC. 3. It shall be the duty of the mayor of any city, and the justice of the peace of any municipal township, whenever a strike or lockout, involving more than twenty-five persons, shall be threatened or has actually occurred within or near such city, or in such municipal township, to immediately communicate the fact to the State board of arbitration and conciliation, stating the name or names of the employer or employers, and one or more employees, with their post-office addresses, the nature of the controversy or difference existing, the number of employees involved, and such other information as may be required by the said board. It shall be the duty of the president or the chief executive officer of every labor organization of which he is an officer, to immediately communicate the fact of such a strike or lockout to

Heads of labor organizations.

said board, with such information as he may possess touching the differences or controversy and the number of employees involved.

Strikes affecting the public.

SEC. 4. Whenever there shall exist a strike or lockout wherein, in the judgment of a majority of said board, the general public shall appear likely to suffer injury or inconvenience by reason of said strike or lockout, and neither party to such strike or lockout shall consent to submit the matter or matters in controversy to the State board of arbitration and conciliation in conformity with this act, then said board, after first having made due effort, having failed, may proceed of its own motion to make an investigation of all facts bearing upon such strike or lockout and make public its findings, with such recommendations to the parties involved as, in its judgment, will contribute to a fair and equitable settlement of the differences which constitute the cause of the strike or lockout; and in the prosecution of such inquiry the board shall have power to issue subpœnas, and when, after the service of such subpœna, the party so subpœnaed, fails and refuses to appear before said board, the said board shall certify such fact, together with the name of the person subpœnaed, to the district court having jurisdiction of the person subpœnaed, and said court shall thereupon issue its subpœna requiring the party subpœnaed to appear at such time as may be stated in the subpœna to give such testimony as may be required, and upon a failure of the party to answer said subpœna so issued out of said district court, said district court shall proceed as provided by law in cases of contempt. Any member of said board may administer oaths in all matters pertaining to the duties of said board.

Findings to be published.

Compensation.

SEC. 5. Each member of said board shall serve only when needed and shall receive a salary of five dollars per diem and necessary traveling expenses when so serving, to be paid out of the treasury of the State out of any appropriation therefor, upon vouchers approved by the governor.

Notices and process.

SEC. 6. Any notice or process issued by the State board of arbitration and conciliation shall be served by any sheriff or constable to whom the same may be directed or in whose hands the same may be placed for service.

Injunctions against board.

SEC. 7. When the said State board of arbitration and conciliation is actually engaged or is about to be engaged in the performance of the duties required by this act, no order of injunction can lie against said board from any court of this State except the supreme court, and the order of injunction, if granted, shall not be made final until said supreme court, by competent evidence, is satisfied that the said board of arbitration and conciliation is abusing or transgressing the privileges allowed and the duties required of said board under this act.

PENNSYLVANIA.

ACTS OF 1913.

ACT No. 267.—*Bureau of mediation and arbitration.*

Bureau created.

SECTION 17. There shall be created in the department of labor and industry a bureau of mediation and arbitration, the head of which shall be a chief of bureau, who shall receive an annual salary of three thousand five hundred dollars ($3,500).

Mediation.

SEC. 18. Whenever a difference arises between an employer and his employees, which can not be readily adjusted, the chief of the bureau shall proceed promptly to the locality thereof, and endeavor by mediation to effect an amicable settlement of the controversy. If such settlement can not be effected, the dispute may be arbitrated by a

Board of arbitration.

board composed of one person selected by employer, and one person selected by employees, and a third who shall be selected by the representatives of the employer and the employees; and such third member of the board shall be selected and appointed within a period of five days after the matter has been submitted for arbitration, and, in the event of any such appointment or selection not being made within a period of five days, then the chief of the bureau of mediation and arbitration shall constitute the third member of the board, and be the chairman of the board; and if such third representative is chosen, by the two representatives of the employer and employee, within five days, then a chairman of the board shall be established by the board itself.

Submission.

A submission to the board shall be made in writing, and the parties thereto shall agree to abide by the determination of the board.

Decision.

Said board shall render a written decision within ten days after the completion of the investigation, one copy thereof to be filed in the bureau, and a copy to be furnished each party to the controversy.

Annual reports.

The chief of the bureau shall make an annual report of his work, containing such information as the commissioner of labor and industry may request.

Assignment of clerks.

SEC. 19. The commissioner of labor and industry may assign to this bureau, from his department, such clerical assistance as, from time to time, he may think necessary.

Approved June 2, 1913.

TEXAS.

REVISED CIVIL STATUTES—1911.

Boards of arbitration.

Arbitration lawful.

ARTICLE 71. Whenever any grievance or dispute of any nature growing out of the relation of employer and employees, shall arise or exist between employer and employees, it shall be lawful, upon mutual consent of all parties, to submit all matters respecting such grievance or dispute in writing to a board of arbitrators to hear, adjudicate, and determine the same. Said board shall consist of five persons. When the employees concerned in such grievance or dispute as the aforesaid are members in good standing of any labor organization which is represented by one or more delegates in a central body, the said central body shall have power to designate two of said arbitrators, and the employer shall have the power to designate two others of said arbitrators, and the said four arbitrators shall designate a fifth person as arbitrator, who shall be chairman of the board. In case the employees concerned in any such grievance or dispute as aforesaid are members in good standing of a labor organization which is not represented in a central body, then the organization of which they are members shall designate two members of said board, and said board shall be organized as hereinbefore provided; and in case the employees concerned in any such grievance or dispute as aforesaid are not members of any labor organization, then a majority of said employees, at a meeting duly held for that purpose, shall designate two arbitrators for said board, and said board shall be organized as hereinbefore provided: *Provided*, That when the two arbitrators selected by the respective parties to the controversy, the district judge of the district having jurisdiction of the subject-matter shall, upon notice from either of said arbitrators that they have failed to agree upon the fifth arbitrator, appoint said fifth arbitrator.

Board.

Procuring license.

ART. 72. Any board as aforesaid selected may present a petition in writing to the district judge of the county where such grievance or dispute to be arbitrated may arise, signed by a majority of said board, setting forth in brief terms the facts showing their due and regular appointment, and the nature of the grievance or dispute between the parties to said arbitration, and praying the license or order of such judge establishing and approving of said board of arbitration. Upon the presentation of said petition it shall be the duty of said judge, if it appear that all requirements of this law have been complied with, to make an order establishing such board of arbitration and referring the matters in dispute to it for hearing, adjudication and determination. The said petition and order, or a copy thereof, shall be filed in the office of the district clerk of the county in which the arbitration is sought.

Different labor organizations.

ART. 73. When a controversy involves and affects the interests of two or more classes or grades of employees belonging to different labor organizations, or of individuals who are not members of a labor organization, then the two arbitrators selected by the employees shall be agreed upon and selected by the concurrent action of all such labor organizations, and a majority of such individuals who are not members of a labor organization.

Submission of claims.

ART. 74. The submission shall be in writing, shall be signed by the employer or receiver and the labor organization representing the employees, or any laborer or laborers to be affected by such arbitration who may not belong to any labor organization, shall state the question to be decided, and shall contain appropriate provisions by which the respective parties shall stipulate as follows:

1. That pending the arbitration the existing status prior to any disagreement or strike shall not be changed.

2. That the award shall be filed in the office of the clerk of the district court of the county in which said board of arbitration is held, and shall be final and conclusive upon both parties, unless set aside for error of law, apparent on the record.

3. That the respective parties to the award will each faithfully execute the same, and that the same may be specifically enforced in equity so far as the powers of a court of equity permit.

4. That the employees dissatisfied with the award shall not by reason of such dissatisfaction quit the service of said employer or receiver before the expiration of thirty days, nor without giving said employer or receiver thirty days written notice of their intention so to quit.

5. That said award shall continue in force as between the parties thereto for the period of one year after the same shall go into practical operation, and no new arbitration upon the same subject between the same parties shall be had until the expiration of said one year.

Organization. ART. 75. The arbitrators so selected shall sign a consent to act as such and shall take and subscribe an oath before some officer authorized to administer the same to faithfully and impartially discharge his duties as such arbitrator, which consent and oath shall be immediately filed in the office of the clerk of the district court wherein such arbitrators are to act. When said board is ready for the transaction of business it shall select one of its members to act as secretary and the parties to the dispute shall receive notice of a time and place of hearing, which shall be not more than ten days after such agreement to arbitrate has been filed.

Powers. ART. 76. The chairman shall have power to administer oaths and to issue subpœnas for the production of books and papers and for the attendance of witnesses to the same extent that such power is possessed by the court of record or the judge thereof in this State. The board may make and enforce the rules for its government and transaction of the business before it and fix its sessions and adjournment, and shall herein examine such witnesses as may be brought before the board, and such other proof as may be given relative to the matter in dispute.

Powers cease, when. ART. 77. When said board shall have rendered its adjudication and determination its powers shall cease, unless there may be at the time in existence other similar grievances or disputes between the same class of persons mentioned in article 71, and in such case such persons may submit their differences to said board, which shall have power to act and adjudicate and determine the same as fully as if said board was originally created for the settlement of such difference or differences.

Status quo to be maintained. ART. 78. During the pendency of arbitration under this chapter it shall not be lawful for the employer or receiver party to such arbitration, nor his agent, to discharge the employees parties thereto, except for inefficiency, violation of law, or neglect of duty, or where reduction of force is necessary, nor for the organization representing such employees to order, nor for the employees to unite in, aid or abet strikes or boycotts against such employer or receiver.

Compensation. ART. 79. Each of the said board of arbitrators shall receive three dollars per day for every day in actual service, not to exceed ten days, and traveling expenses not to exceed five cents per mile actually traveled in getting to or returning from the place where the board is in session. The fees of witnesses of the aforesaid board shall be fifty cents for each day's attendance and five cents per mile traveled by the nearest route to and returning from the place where attendance is required by the board. All subpœnas shall be signed by the secretary of the board and may be served by any person of full age authorized by the board to serve the same, and the fees and mileage of witnesses and the per diem and traveling expenses of said arbitrators shall be taxed as costs against either or all of the parties to said arbitration, as the board of arbitrators may deem just, and shall constitute part of their award, and each of the parties to said arbitration shall, before the arbitration [arbitrators] proceed to consider the matters submitted to them, give a bond, with two or more good and sufficient sureties in an amount to be fixed by the board of arbitration, conditioned for the payment of all expenses connected with the said arbitration.

ART. 80. The award shall be made in triplicate. One copy shall be filed in the district clerk's office, one copy shall be given to the employer or receiver, and one copy to the employees or their duly authorized representative. The award being filed in the clerk's office of the district court, as hereinbefore provided, shall go into practical operation and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent on the record, in which case said award shall go into practical operation and judgment rendered accordingly when such exceptions shall have been fully disposed of by either said district court or on appeal therefrom. Award.

ART. 81. At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid, judgment shall be entered in accordance with said decision, unless during the said ten days either party shall appeal therefrom to the court of civil appeals holding jurisdiction thereof. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided. The determination of said court of civil appeals upon said questions shall be final, and being certified by the clerk of said court of civil appeals, judgment pursuant thereto shall thereupon be entered by said district court. If exceptions to an award are finally sustained, judgment shall be entered setting aside the award; but in such case the parties may agree upon a judgment to be entered disposing of the subject-matter of the controversy, which judgment, when entered, shall have the same force and effect as judgment entered upon an award. Entry of judgment.

UTAH.

COMPILED LAWS—1907.

Board of labor, conciliation, and arbitration.

Appointment of board.

SECTION 1324. * * * The governor, by and with the consent of the senate, shall appoint three persons, not more than two of whom shall belong to the same political party, who shall be styled a State board of labor, conciliation, and arbitration. One shall be an employer of labor; another shall be an employee and be selected from some labor organization; and the third shall be some person who is neither an employee nor an employer of manual labor, and shall be chairman of the board. One shall serve for one year, one for three years, and one for five years, as may be designated by the governor at the time of their appointment. At the expiration of their terms their successors shall be appointed in like manner for the term of four years. Should a vacancy occur at any time, the governor shall, in the same manner, appoint some one to serve the unexpired term, and until the appointment and qualification of his successor. Each member of said board shall, before entering upon his duties, take the constitutional oath of office.

Secretary.

SEC. 1325. The board shall select from its members a secretary and shall establish suitable rules of procedure.

Mediation.

SEC. 1326. Whenever it shall come to the knowledge of the said board that a strike or lockout is seriously threatened in the State, involving any employer and his employees, if he is employing not less than ten persons, it shall be the duty of the said board to put itself into communication as soon as may be with such employer and employees, and endeavor by mediation to effect an amicable settlement. Said board shall also request each of the parties to forward to its secretary an application for arbitration.

Applications for arbitration.

SEC. 1327. As soon as practicable after receiving such applications, the board shall request each of the parties to the dispute to agree upon a written statement of facts relating to the controversy, and to submit the same to the board: *Provided*, That, when such agreement and statement can not be reached, each of said parties may separately submit to the board a written statement of grievances. Applications to the said board for arbitration on the part of employers must precede any lockout, and, on the part of the employees, any strike: *Provided*, That, in case a lockout or strike already exists, the board shall accord arbitration if the parties shall resume their relations with each other, as employers and employees. Said applications shall include a promise to abide by the decision of the board and shall be signed by the employer or employers, or his or their authorized agent, on the one side, and by a majority of his or their employees on the other.

Duty of board.

SEC. 1328. As soon as practicable after receiving said applications, the board shall proceed to arbitrate. When it shall be necessary, in the judgment of said board, it may engage the services of a stenographer to take and transcribe an account of any arbitration proceedings.

Power to summon witnesses, etc.

SEC. 1329. The board shall have power to summon as witnesses by subpœna any operative or expert in the departments of business affected, and any person who keeps the record of wages earned in those departments, or any other person, and to administer oaths, and to examine said witnesses, and to require the production of books, papers, and records. In case of disobedience to a subpœna the board may invoke the aid of any court in the State in requiring the attendance and testimony of witnesses, and the production of books, papers, and documents under the provisions of this section. Any of the district courts of the State, within the jurisdiction of which such inquiry is carried on, may, in case of contumacy, or refusal to obey a subpœna issued to any such witness, issue an order requiring such witness to

appear before said board and produce books and papers if so ordered, and give evidence touching the matter in question. Any refusal to obey such order of the court may be punished by such court as a contempt thereof.

Duty of mayors and sheriffs.

SEC. 1330. It shall be the duty of mayors of cities and sheriffs of counties, when any condition likely to lead to a strike or lockout exists in the cities or districts where they have jurisdiction, to immediately forward information of the same to the secretary of the State board of conciliation and arbitration. Such information shall include the names and addresses of persons who should be communicated with by the board.

Service of process.

SEC. 1331. Any notice or process issued by the State board of labor, conciliation, and arbitration shall be served by any sheriff to whom the same may be directed, or in whose hands the same may be placed for service, without charge.

Decision.

SEC. 1332. As soon as practicable, after the board has investigated the differences existing between employer and employees, it shall make an equitable decision, which shall state what, if anything, should be done by either or both parties to the dispute, in order to amicably settle and adjust the differences existing between them. The findings of a majority of the board shall constitute its decision.

Publication, etc.

SEC. 1333. This decision shall at once be made public; shall be recorded upon the proper book of record to be kept by the secretary of said board, and a short statement thereof published in an annual report to be made to the governor before the 1st day of March, of each year.

Compensation of board.

SEC. 1334. The members of the board shall each receive a compensation of $4 for each day's service while engaged in arbitration, said compensation to be paid by the parties to the controversy in such proportion as the board may decide; they shall also receive the actual and necessary expenses incurred in the performance of their official duties, which expenses shall be paid out of the State treasury.

VERMONT.

ACTS OF 1912.

ACT No. 190.—*State board of conciliation and arbitration.*

Board created. SECTION 1. There shall be a State board of conciliation and arbitration consisting of three persons. One member of said board shall be an employer, and one shall be selected from a labor organization and shall not be an employer of labor.

The governor shall, on or before March 1, 1913, appoint the aforesaid members. The term of office of one of said members shall be one year and of the other, two years. The third member of said board shall be appointed upon the recommendation of the other two members of said board for a term of three years. If the two appointed members do not, at least thirty days prior to the expiration of the term, or within thirty days after the happening of a vacancy, agree upon the third member he shall then be appointed by the governor.

Term.

Each member shall, before entering upon the duties of his office, be sworn.

On or before March 1, annually, a person shall be appointed in the manner aforesaid for the term of three years to fill the vacancy caused by the expiration of the term of office of any of said members.

Organization, etc. Said board shall choose from its members a chairman, and may appoint and remove at pleasure a secretary of said board.

The compensation of said secretary shall be fixed by said board, with the approval of the auditor of accounts.

Said board shall, from time to time, establish rules of procedure and shall on or before the first Wednesday of each biennial session make a report to the governor. No member of the board shall be qualified to act in any matter in which said member may be directly or indirectly interested, and, in case of the disqualification of a member of said board, the other two members may select a third person to act with said board, who shall not be directly or indirectly interested in the matters in dispute.

Notice of strike. SEC. 2. If it appears to the mayor of a city or to the selectmen of a town that a strike or lockout described in this section is seriously threatened or actually occurs, he or they shall at once give notice to said board; and such notice may be given by the employer or by the employees concerned in the strike or lockout. If, when said board has knowledge that a strike or lockout, which involves an employer and his present or former employees, is seriously threatened or has actually occurred, such employer, at that time, is employing, or upon the occurrence of the strike or lockout, was employing, not less than ten persons in the same general line of business in any town in the State, the board shall, forthwith, communicate with such employer and employees and endeavor by mediation to obtain an amicable settlement or endeavor to persuade them, if a strike or lockout has not actually occurred or is not then continuing, to submit the controversy to said board. Said board shall investigate the cause of such controversy and ascertain which party thereto is mainly responsible or blameworthy for the existence or continuance of the same, and may make and publish a report finding such cause and assigning such responsibility or blame. Said board shall, upon the request of the governor, investigate and report upon a controversy if in his opinion it seriously affects, or threatens seriously to affect, the public welfare. The board shall have the same powers for the foregoing purposes as are given to it by the provisions of the four following sections.

Mediation.

Report.

Investigations. SEC. 3. If a controversy which does not involve questions which may be the subject of an action at law or suit in equity exists between an employer, whether an individual, a partnership or corporation employing not less than ten persons in the same general line of business, and his employees, the board shall, upon application as hereinafter provided, and as soon as practicable, visit the place where the controversy exists and make careful inquiry into its cause, and may, with the consent of the governor, conduct such inquiry beyond the limits of the State. The board shall hear all persons interested who come

before it, advise the respective parties what ought to be done or submitted to by either or both to adjust said controversy, and make a written decision thereof which shall at once be made public, shall be open to public inspection and shall be recorded by the secretary of said board. A short statement thereof may, in the discretion of the board, be published in the annual report, and the board shall cause a copy thereof to be filed with the clerk of the town in which such business is carried on. Such decision shall, for six months, be binding upon the parties who join in such application, or until the expiration of sixty days after either party has given notice in writing to the other party and to the board of his intention not to be bound thereby. Such notice may be given to said employees by posting it in three conspicuous places in the shop or factory where they work.

Decision.

Effect.

Application.

SEC. 4. Such application shall be signed by the employer or by a majority of his employees in the department of the business in which the controversy exists, or by their duly authorized agent, or by both parties, and if signed by an agent claiming to represent a majority of the employees, the board shall satisfy itself that he is duly authorized so to do; but the names of the employees giving the authority shall be kept secret. The application shall contain a concise statement of the existing controversy and a promise to continue in business or at work without any lockout or strike until the decision of the board, if made within three weeks after the date of filing the application. The secretary of the board shall forthwith, after such filing, cause public notice to be given of the time and place for a hearing on the application, unless both parties join in the application and present therewith a written request that no public notice be given. If such request is made, notice of the hearings shall be given to the parties in such manner as the board may order, and the board may give public notice thereof notwithstanding such request. If the petitioner or petitioners fail to perform the promise made in the application, the board shall proceed no further thereon without the written consent of the adverse party.

Hearings.

Expert assistants.

SEC. 5. In all controversies between an employer and his employees in which application is made under the provisions of the preceding section, each party may, in writing, nominate fit persons to act in the case as expert assistants to the board and the board may appoint one from among the persons so nominated by each party. Said experts shall be skilled in and conversant with the business or trade concerning which the controversy exists, they shall be sworn by a member of the board to the faithful performance of their official duties and a record of their oath shall be made in the case. Said experts shall, if required, attend the sessions of the board, and shall, under direction of the board, obtain and report information concerning the wages paid and the methods and grades of work prevailing in establishments within the State similar to that in which the controversy exists, and they may submit to the board at any time before a final decision any facts, advice, arguments or suggestions which they may consider applicable to the case. No decision of said board shall be announced in a case in which said experts have acted without notice to them of a time and place for a final conference on the matters included in the proposed decision. The board may appoint such additional experts as it considers necessary, who shall be qualified in like manner and, under the direction of the board, shall perform like duties and be paid the same fees as the experts who are nominated by the parties. Said experts shall receive such compensation as may be fixed by said board and the auditor of accounts is hereby directed to draw orders in payment of the expenses incurred under the provisions of this act upon the approval of said board.

Witnesses.

SEC. 6. The board may summon as witnesses any operative and any person who keeps the record of wages earned in the department of business in which the controversy exists and may examine them upon oath and require the production of books which contain the record of wages paid. Summonses may be signed and oaths administered by any member of the board. Witnesses summoned by the board shall be allowed the same fees as are allowed witnesses before a county court.

Approved February 21, 1913.

WASHINGTON.

REMINGTON & BALLINGER'S ANNOTATED CODES AND STATUTES.

Arbitration of labor disputes—Boards of arbitration.

Duty of labor commissioner.

SECTION 6599. It shall be the duty of the State labor commissioner upon application of any employer or employee having differences, as soon as practicable, to visit the location of such differences and to make a careful inquiry into the cause thereof and to advise the respective parties, what, if anything, ought to be done or submitted to by both to adjust said dispute and should said parties then still fail to agree to a settlement through said commissioner, then said commissioner shall endeavor to have said parties consent in writing to submit their differences to a board of arbitration to be chosen from citizens of the State as follows, to wit: Said employer shall appoint one and said employees acting through a majority, one, and these two shall select a third, these three to constitute the board of arbitration and the findings of said board of arbitration to be final.

Board.

Proceedings.

SEC. 6600. The proceedings of said board of arbitration shall be held before the commissioner of labor who shall act as moderator or chairman, without the privilege of voting, and who shall keep a record of the proceedings, issue subpœnas and administer oaths to the members of said board, and any witness said board may deem necessary to summon.

Notice served by officer.

SEC. 6601. Any notice or process issued by the board herein created, shall be served by any sheriff, coroner or constable to whom the same may be directed, or in whose hands the same may be placed for service.

Compensation.

SEC. 6602. Such arbitrators shall receive five dollars per day for each day actually engaged in such arbitration and the necessary traveling expenses to be paid upon certificates of the labor commissioner out of the fund appropriated for the purpose or at the disposal of the bureau of labor applicable to such expenditure.

Statement of facts.

SEC. 6603. Upon the failure of the labor commissioner, in any case, to secure the creation of a board of arbitration, it shall become his duty to request a sworn statement from each party to the dispute of the facts upon which their dispute and their reasons for not submitting the same to arbitration are based. Any sworn statement made to the labor commissioner under this provision shall be for public use and

Publication.

shall be given publicly [publicity] in such newspapers as desire to use it.

Parties may tender expenses.

SEC. 6604. In case the funds herein provided are exhausted and either party to a proposed arbitration shall tender the necessary expenses for conducting said arbitration, then it shall be the duty of the State labor commissioner to request the opposite party to arbitrate such differences in accordance with the provisions of this act.

WISCONSIN.

ACTS OF 1911.

CHAPTER 485.—*Industrial commission—Arbitration of labor disputes.*

SECTION 2394–52. It shall also be the duty of the industrial commission, and it shall have power, jurisdiction and authority—

(8) To do all in its power to promote the voluntary arbitration, mediation and conciliation of disputes between employers and employees, and to avoid the necessity of resorting to lockouts, boycotts, black lists, discriminations and legal proceedings in matters of employment. In pursuance of this duty it may appoint temporary boards of arbitration, provide necessary expenses of such boards, order reasonable compensation not exceeding five dollars per day for each member engaged in such arbitration, prescribe rules of procedure for such arbitration boards, conduct investigations and hearings, publish reports and advertisements, and may do all other things convenient and necessary to accomplish the purposes directed * * *. The commission shall designate a deputy to be known as chief mediator and may detail other deputies from time to time to act as his assistants, for the purpose of executing these provisions. Deputies may act on temporary boards without extra compensation. Mediation.

UNITED STATES.

ACTS OF 1913.

Mediation and arbitration of disputes of certain employees on railroads.

Scope of law.

SECTION 1. The provisions of this act shall apply to any common carrier or carriers and their officers, agents, and employees, except masters of vessels and seamen, as defined in section forty-six hundred and twelve, Revised Statutes of the United States, engaged in the transportation of passengers or property wholly by railroad, or partly by railroad and partly by water, for a continuous carriage or shipment from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States.

Definitions.

The term "railroad" as used in this act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "transportation" shall include all instrumentalities of shipment or carriage.

The term "employees" as used in this act shall include all persons actually engaged in any capacity in train operation or train service of any description, and notwithstanding that the cars upon or in which they are employed may be held and operated by the carrier under lease or other contract: *Provided, however*, That this act shall not be held to apply to employees of street railroads and shall apply only to employees engaged in railroad train service. In every such case the carrier shall be responsible for the acts and defaults of such employees in the same manner and to the same extent as if said cars were owned by it and said employees directly employed by it, and any provisions to the contrary of any such lease or other contract shall be binding only as between the parties thereto and shall not affect the obligations of said carrier either to the public or to the private parties concerned.

A common carrier subject to the provisions of this act is hereinafter referred to as an "employer," and the employees of one or more of such carriers are hereinafter referred to as "employees."

Applications to board.

SEC. 2. Whenever a controversy concerning wages, hours of labor, or conditions of employment shall arise between an employer or employers and employees subject to this act interrupting or threatening to interrupt the business of said employer or employers to the serious detriment of the public interest, either party to such controversy may apply to the Board of Mediation and Conciliation created by this act and invoke its services for the purpose of bringing about an amicable

Mediation.

adjustment of the controversy; and upon the request of either party the said board shall with all practicable expedition put itself in communication with the parties to such controversy and shall use its best efforts, by mediation and conciliation, to bring them to an agreement; and if such efforts to bring about an amicable adjustment through mediation and conciliation shall be unsuccessful, the said board shall at

Arbitration.

once endeavor to induce the parties to submit their controversy to arbitration in accordance with the provisions of this act.

Proffer of services.

In any case in which an interruption of traffic is imminent and fraught with serious detriment to the public interest, the Board of Mediation and Conciliation may, if in its judgment such action seem desirable, proffer its services to the respective parties to the controversy.

In any case in which a controversy arises over the meaning or the application of any agreement reached through mediation under the provisions of this act either party to the said agreement may apply to

the Board of Mediation and Conciliation for an expression of opinion from such board as to the meaning or application of such agreement and the said board shall upon receipt of such request give its opinion as soon as may be practicable.

Boards of arbitration.

SEC. 3. Whenever a controversy shall arise between an employer or employers and employees subject to this act, which can not be settled through mediation and conciliation in the manner provided in the preceding section, such controversy may be submitted to the arbitration of a board of six, or, if the parties to the controversy prefer so to stipulate, to a board of three persons, which board shall be chosen in the following manner: In the case of a board of three, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name one arbitrator; and the two arbitrators thus chosen shall select the third arbitrator; but in the event of their failure to name the third arbitrator within five days after their first meeting, such third arbitrator shall be named by the Board of Mediation and Conciliation. In the case of a board of six, the employer or employers and the employees, parties respectively to the agreement to arbitrate, shall each name two arbitrators, and the four arbitrators thus chosen shall, by a majority vote, select the remaining two arbitrators; but in the event of their failure to name the two arbitrators within fifteen days after their first meeting the said two arbitrators, or as many of them as have not been named, shall be named by the Board of Mediation and Conciliation.

In the event that the employees engaged in any given controversy are not members of a labor organization, such employees may select a committee which shall have the right to name the arbitrator, or the arbitrators, who are to be named by the employees as provided above in this section.

Agreements to arbitrate.

SEC. 4. The agreement to arbitrate—

First. Shall be in writing;

Second. Shall stipulate that the arbitration is had under the provisions of this act;

Third. Shall state whether the board of arbitration is to consist of three or six members;

Fourth. Shall be signed by duly accredited representatives of the employer or employers and of the employees;

Fifth. Shall state specifically the questions to be submitted to the said board for decision;

Sixth. Shall stipulate that a majority of said board shall be competent to make a valid and binding award;

Seventh. Shall fix a period from the date of the appointment of the arbitrator or arbitrators necessary to complete the board, as provided for in the agreement, within which the said board shall commence its hearings;

Eighth. Shall fix a period from the beginning of the hearings within which the said board shall make and file its award: *Provided*, That this period shall be thirty days unless a different period be agreed to;

Ninth. Shall provide for the date from which the award shall become effective and shall fix the period during which the said award shall continue in force;

Tenth. Shall provide that the respective parties to the award will each faithfully execute the same;

Eleventh. Shall provide that the award and the papers and proceedings, including the testimony relating thereto, certified under the hands of the arbitrators, and which shall have the force and effect of a bill of exceptions, shall be filed in the clerk's office of the district court of the United States for the district wherein the controversy arises or the arbitration is entered into, and shall be final and conclusive upon the parties to the agreement unless set aside for error of law apparent on the record;

Twelfth. May also provide that any difference arising as to the meaning or the application of the provisions of an award made by a board of arbitration shall be referred back to the same board or to a subcommittee of such board for a ruling, which ruling shall have the same force and effect as the original award; and if any member of the original board is

unable or unwilling to serve another arbitrator shall be named in the same manner as such original member was named.

Powers of arbitrators.

SEC. 5. For the purposes of this act the arbitrators herein provided for, or either of them, shall have power to administer oaths and affirmations, sign subpœnas, require the attendance and testimony of witnesses, and the production of such books, papers, contracts, agreements, and documents material to a just determination of the matters under investigation as may be ordered by the court; and may invoke the aid of the United States courts to compel witnesses to attend and testify and to produce such books, papers, contracts, agreements, and documents to the same extent and under the same conditions and penalties as is provided for in the act to regulate commerce, approved February fourth, eighteen hundred and eighty-seven, and the amendments thereto.

Agreements to be acknowledged.

SEC. 6. Every agreement of arbitration under this act shall be acknowledged by the parties thereto before a notary public or a clerk of the district or the circuit court of appeals of the United States, or before a member of the Board of Mediation and Conciliation, the members of which are hereby authorized to take such acknowledgments; and when so acknowledged shall be delivered to a member of said board or transmitted to said board to be filed in its office.

Notice to arbitrators.

When such agreement of arbitration has been filed with the said board, or one of its members, and when the said board, or a member thereof, has been furnished the names of the arbitrators chosen by the respective parties to the controversy, the board, or a member thereof, shall cause a notice in writing to be served upon the said arbitrators, notifying them of their appointment, requesting them to meet promptly to name the remaining arbitrator or arbitrators necessary to complete the board, and advising them of the period within which, as provided in the agreement of arbitration, they are empowered to name such arbitrator or arbitrators.

Notice to Board of Mediation and Conciliation.

When the arbitrators selected by the respective parties have agreed upon the remaining arbitrator or arbitrators, they shall notify the Board of Mediation and Conciliation; and in the event of their failure to agree upon any or upon all of the necessary arbitrators within the period fixed by this act they shall, at the expiration of such period, notify the Board of Mediation and Conciliation of the arbitrators selected, if any, or of their failure to make or to complete such selection.

Reconvening boards of arbitration.

If the parties to an arbitration desire the reconvening of a board to pass upon any controversy arising over the meaning or application of an award, they shall jointly so notify the Board of Mediation and Conciliation, and shall state in such written notice the question or questions to be submitted to such reconvened board. The Board of Mediation and Conciliation shall thereupon promptly communicate with the members of the board of arbitration or a subcommittee of such board appointed for such purpose pursuant to the provisions of the agreement of arbitration, and arrange for the reconvening of said board or subcommittee, and shall notify the respective parties to the controversy of the time and place at which the board will meet for hearings upon the matters in controversy to be submitted to it.

Organization.

SEC. 7. The board of arbitration shall organize and select its own chairman and make all necessary rules for conducting its hearings; but in its award or awards the said board shall confine itself to findings or recommendations as to the questions specifically submitted to it or matters directly bearing thereon. All testimony before said board shall be given under oath or affirmation, and any member of the board of arbitration shall have the power to administer oaths or affirmations. It may employ such assistants as may be necessary in carrying on its work. It shall, whenever practicable, be supplied with suitable quarters in any Federal building located at its place of meeting or at any place where the board may adjourn for its deliberations. The

Awards to be filed.

board of arbitration shall furnish a certified copy of its award to the respective parties to the controversy, and shall transmit the original, together with the papers and proceedings and a transcript of the testimony taken at the hearings, certified under the hands of the arbitrators, to the clerk of the district court of the United States for the district wherein the controversy arose or the arbitration is entered into, to be filed in said clerk's office as provided in paragraph eleven of section four

of this act. And said board shall also furnish a certified copy of its award, and the papers and proceedings, including the testimony relating thereto, to the Board of Mediation and Conciliation, to be filed in its office. The United States Commerce Court, the Interstate Commerce Commission, and the Bureau of Labor Statistics are hereby authorized to turn over to the Board of Mediation and Conciliation upon its request any papers and documents heretofore filed with them and bearing upon mediation or arbitration proceedings held under the provisions of the act approved June first, eighteen hundred and ninety-eight, providing for mediation and arbitration.

Award in effect.

SEC. 8. The award, being filed in the clerk's office of a district court of the United States as hereinbefore provided, shall go into practical operation, and judgment shall be entered thereon accordingly at the expiration of ten days from such filing, unless within such ten days either party shall file exceptions thereto for matter of law apparent upon the record, in which case said award shall go into practical operation and judgment be entered accordingly when such exceptions shall have been finally disposed of either by said district court or on appeal therefrom.

Exceptions.

At the expiration of ten days from the decision of the district court upon exceptions taken to said award as aforesaid judgment shall be entered in accordance with said decision, unless during said ten days either party shall appeal therefrom to the circuit court of appeals. In such case only such portion of the record shall be transmitted to the appellate court as is necessary to the proper understanding and consideration of the questions of law presented by said exceptions and to be decided.

Appeals.

The determination of said circuit court of appeals upon said questions shall be final, and, being certified by the clerk thereof to said district court, judgment pursuant thereto shall thereupon be entered by said district court.

Final judgment.

If exceptions to an award are finally sustained, judgment shall be entered setting aside the award in whole or in part; but in such case the parties may agree upon a judgment to be entered disposing of the subject matter of the controversy, which judgment when entered shall have the same force and effect as judgment entered upon an award.

Nothing in this act contained shall be construed to require an employee to render personal service without his consent, and no injunction or other legal process shall be issued which shall compel the performance by any employee against his will of a contract for personal labor or service.

No compulsory employment.

Receiverships.

SEC. 9. Whenever receivers appointed by a Federal court are in the possession and control of the business of employers covered by this act the employees of such employers shall have the right to be heard through their representatives in such court upon all questions affecting the terms and conditions of their employment; and no reduction of wages shall be made by such receivers without the authority of the court therefor, after notice to such employees, said notice to be given not less than twenty days before the hearing upon the receivers' petition or application, and to be posted upon all customary bulletin boards along or upon the railway or in the customary places on the premises of other employers covered by this act.

Compensation.

SEC. 10. Each member of the board of arbitration created under the provisions of this act shall receive such compensation as may be fixed by the Board of Mediation and Conciliation, together with his traveling and other necessary expenses. The sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, to be immediately available and to continue available until the close of the fiscal year ending June thirtieth, nineteen hundred and fourteen, for the necessary and proper expenses incurred in connection with any arbitration or with the carrying on of the work of mediation and conciliation, including per diem, traveling, and other necessary expenses of members or employees of boards of arbitration and rent in the District of Columbia, furniture, office fixtures and supplies, books, salaries, traveling expenses, and other necessary expenses of members or employees of the Board of Mediation and Conciliation, to be approved by

Appropriation.

the chairman of said board and audited by the proper accounting officers of the Treasury.

Commissioner of mediation and conciliation.

SEC. 11. There shall be a Commissioner of Mediation and Conciliation, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose salary shall be $7,500 per annum, who shall hold his office for a term of seven years; and until a successor qualifies, and who shall be removable by the President only for misconduct in office. The President shall also designate not more than two other officials of the Government who have been appointed by and with the advice and consent of the Senate, and the officials thus designated, together with the Commissioner of Mediation and Conciliation, shall constitute a board to be known as the United States Board of Mediation and Conciliation.

Added members of board.

Assistant commissioner.

There shall also be an Assistant Commissioner of Mediation and Conciliation, who shall be appointed by the President, by and with the advice and consent of the Senate, and whose salary shall be $5,000 per annum. In the absence of the Commissioner of Mediation and Conciliation, or when that office shall become vacant, the assistant commissioner shall exercise the functions and perform the duties of that office. Under the direction of the Commissioner of Mediation and Conciliation, the assistant commissioner shall assist in the work of mediation and conciliation and when acting alone in any case he shall have the right to take acknowledgments, receive agreements of arbitration, and cause the notices in writing to be served upon the arbitrators chosen by the respective parties to the controversy, as provided for in section five of this act.

Repealer.

The act of June first, eighteen hundred and ninety-eight, relating to the mediation and arbitration of controversies between railway companies and certain classes of their employees is hereby repealed:

Proviso.

Provided, That any agreement of arbitration which, at the time of the passage of this act, shall have been executed in accordance with the provisions of said act of June first, eighteen hundred and ninety-eight, shall be governed by the provisions of said act of June first, eighteen hundred and ninety-eight, and the proceedings thereunder shall be conducted in accordance with the provisions of said act.

Approved July 15, 1913.